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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
DONALD J. KANNENBERG)
)
VS.) No. 10-0031
)
COMMONWEALTH EDISON COMPANY)
)
Complaint as to billing/charges)
in Arlington Heights, Illinois)

Chicago, Illinois

June 16, 2010

Met, pursuant to adjournment, at

10 o'clock a.m.

BEFORE :

MS. LESLIE HAYNES,
Administrative Law Judge

APPEARANCES :

MR. DONALD J. KANNENBERG
4109 Bonhill
Arlington Heights, Illinois 60004
appearing pro se;

MR. MARK L. GOLDSTEIN
3019 Province Circle
Mundelein, Illinois
appearing for Commonwealth
Edison Company

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I N D E X

WITNESSES DIRECT CROSS REDIRECT RECROSS EXMNR.

DONALD J. KANNENBERG		82			
FRED THORNTON	91	118	125	126	117 132
			134	134	
MICHAEL LEAGUE	136	143			147

E X H I B I T S

COMPLAINANT'S FOR IDENTIFICATION IN EVIDENCE.

No. 1	44	81
2	44	81
3	45	81
4	50	81
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11	66	81
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COMED FOR IDENTIFICATION IN EVIDENCE.			
No.	1	38	154
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	6(e)	38	154
	7(late filed)	38	154
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	11	38	143
	11(a) thru (c)	38	143

1 (Whereupon, ComEd Exhibit
2 Nos. 1 thru 11 were
3 marked for
4 identification.)

5 JUDGE HAYNES: Let's go on the record. Pursuant
6 to the direction of the Illinois Commerce
7 Commission, I now call Docket No. 10-0031. This is
8 the complaint of Donald J. Kannenberg versus
9 Commonwealth Edison Company.

10 May I have the appearances for the
11 record, please. Your name and address.

12 MR. KANNENBERG: Donald J. Kannenberg, 4109
13 Bonhill Drive, Apartment 2D, Arlington Heights,
14 Illinois, 60004.

15 MR. GOLDSTEIN: On behalf of Commonwealth Edison
16 Company, Mark L. Goldstein, 3019 Province Circle,
17 Mundelein, Illinois, 60060. My telephone number is
18 847-949-1340, and I have with me today Monica Merino
19 and Dan Kowalewski of ComEd, as well as two
20 witnesses in this proceeding.

21 JUDGE HAYNES: Okay. Mr. Kannenberg, you are
22 going to go first and put in any evidence you have

1 into the record, explaining your paperwork you have
2 with you, and please explain what has happened with
3 your account, and then after you are done with that,
4 Mr. Goldstein will have the opportunity to
5 cross-examine you --

6 MR. KANNENBERG: Okay.

7 JUDGE HAYNES: -- and then he will put his
8 witnesses on and you will be able to ask them
9 questions.

10 So I always like to take notes while
11 the other witnesses go so that I can remember any
12 questions, because you will have to wait until their
13 witnesses are done putting their testimony on before
14 you can ask them questions.

15 So let me go ahead and swear you in.
16 Please raise your right hand.

17 (Witness sworn.)

18 Thank you. Please proceed by
19 explaining your case.

20 MR. KANNENBERG: Well, we had gotten a bill
21 November 16th of 2009 for an outrageous amount. I
22 come to find out when I talked to Fred Thornton that

1 I was billed September through October, which my
2 lease did not even start until November 1st, and
3 last week -- I would like to clarify that when I had
4 said that the problem was cleared up, as far as the
5 mishap on billing, it was not.

6 By looking over the records last night,
7 according to the letter dated February 26th of 2010
8 by Monica Moreno, says on 2-3-2010 ComEd cancelled
9 the bill that was issued 11-2 to -- 11-2 of '09 to
10 11-16-09 from 1,023 kilowatt-hours to 106, or which
11 came out to a total of 10646, which was credited
12 back, but then, again, they adjusted it to \$72.17
13 from 10-15-09 till 11-16 of '09.

14 Now, as I just stated, my lease did not
15 start until November 1st of 2010 -- 2009. I would
16 like to know how they adjusted that amount from
17 10-15-09 till 11-16-09, which I was not even a
18 leaseholder until November of 2009, then I was
19 researching back in the records, and when I had
20 talked to Fred Thornton on December 11th of 2009,
21 they waived the 30999 deposit and adjusted 500
22 kilowatt-hours, which came out to a total of 15923.

1 Now when they did the adjustment from
2 11-2-09 to 11-16 of 09, that was 1,200 -- 1,023
3 kilowatt-hours, which came out to 10646.

4 JUDGE HAYNES: Dollars?

5 MR. KANNENBERG: Yeah.

6 So I would like to know exactly what is
7 a kilowatt? How do they bill a kilowatt? I mean,
8 this ain't no cooking class that you have got to add
9 this, or subtract this, divide this, and, boom, you
10 have got it.

11 Everything out in this world is priced.
12 A gallon of milk is priced. A gallon of gas is
13 priced. So that's -- I'd like to know how 500
14 kilowatts came out to \$159.23, but almost a little
15 over double of that only came out to 10646.

16 JUDGE HAYNES: Okay.

17 MR. KANNENBERG: To me, there's kind of a
18 difference there.

19 JUDGE HAYNES. Okay. And so you brought your
20 bills with you?

21 MR. KANNENBERG: Yes, I did.

22 JUDGE HAYNES: Okay. Did you want to have me

1 take a look at any of them?

2 MR. KANNENBERG: Yes.

3 JUDGE HAYNES: Okay.

4 MR. KANNENBERG: These are the two that I was
5 talking about.

6 (Document tendered.)

7 JUDGE HAYNES: Okay. So hand a copy of what you
8 just handed to me to Mr. Goldstein and then hand the
9 rest of them to the court reporter.

10 MR. KANNENBERG: Okay.

11 JUDGE HAYNES: We have to keep the record clear.
12 You have handed to me a bill dated November 16th and
13 then the letter dated February 26th.

14 MR. KANNENBERG: Okay. I think that would be
15 this one.

16 (Document tendered.)

17 JUDGE HAYNES: And the rest to the court
18 reporter --

19 MR. KANNENBERG: Okay.

20 JUDGE HAYNES: -- the other three copies of those
21 two things, all three of them.

22 MR. KANNENBERG: Three or two?

1 JUDGE HAYNES: All three to the court reporter.
2 I assume you are keeping the originals.
3 MR. KANNENBERG: Yes.
4 JUDGE HAYNES: And hand the three copies that are
5 left --
6 MR. KANNENBERG: Okay.
7 JUDGE HAYNES: -- to the court reporter.
8 MR. KANNENBERG: Let me just find them.
9 MR. GOLDSTEIN: How many bills has he given?
10 JUDGE HAYNES: He's just given me one bill and
11 one letter so far.
12 MR. KANNENBERG: One bill and one letter, yes.
13 JUDGE HAYNES: If you only have two, that's okay.
14 I can make another copy.
15 MR. KANNENBERG: I'm trying to -- it's here. I'm
16 just trying -- I have gotten it all messed up. I'm
17 not sure where it is, but I'll find it.
18 JUDGE HAYNES: I only made four of one thing.
19 Okay. So please explain what you've handed me here.
20 MR. KANNENBERG: One is a copy of the letter
21 dated February 26th.
22 JUDGE HAYNES: Okay. We will call that

1 Complainant's Exhibit 1.

2 (Whereupon, Complainant's
3 Exhibit No. 1 was marked
4 for identification.)

5 MR. KANNENBERG: Yes, February 26, 2010, which is
6 it goes, according to the bill, dated November 16 of
7 2009.

8 JUDGE HAYNES: And so that we'll call
9 Complainant's Exhibit 2.

10 (Whereupon, Complainant's
11 Exhibit No. 2 was marked
12 for identification.)

13 MR. KANNENBERG: Then I received a bill
14 December 17, 2010 or the bill's dated November 16th
15 of 2010 had two readings, which I had called to
16 complain because the bill seemed pretty high for,
17 you know, October or November that we were barely
18 using any heat. It was not that, you know, cold
19 out, and I have had all electric units before and
20 nothing has ever exceeded, you know, over \$150 for
21 the month.

22 So then the bill came December 17 of

1 2010, and looking at it -- and there was an actual
2 reading of zero and an estimate, which I was billed
3 for 120 difference I take it as kilowatt-hours.

4 JUDGE HAYNES: Do you want me to look at that
5 bill as well?

6 MR. KANNENBERG: Yes.

7 JUDGE HAYNES: Okay. One to Mr. Goldstein, one
8 to me, the rest to the court reporter.

9 (Documents tendered.)

10 MR. KANNENBERG: Now did you want all the other
11 three?

12 JUDGE HAYNES: Three to the court reporter and
13 one to me. You have the original, right?

14 MR. KANNENBERG: Sorry. Yes, I have the
15 original.

16 JUDGE HAYNES: So the bill dated December 17th
17 will be Complainant's Exhibit 3.

18 (Documents tendered.)

19 (Whereupon, Complainant's
20 Exhibit No. 3 was marked
21 for identification.)

22 MR. KANNENBERG: So I had again contacted Fred

1 Thornton to find out what's going on. Actually, I
2 contacted the -- I believe it was customer service
3 and they told me I would have to deal with Fred
4 Thornton, which, again, I did, and, you know, it got
5 to the point where he couldn't explain where these
6 charges were coming from, how they were, you know,
7 going about that, and all that.

8 JUDGE HAYNES: I see on this Exhibit 3, your
9 December 17th bill, that it says -- the meter number
10 has been circled and you have written -- I'm
11 curious. Are you the one that wrote "not my meter?"

12 MR. KANNENBERG: Yes, I did, because I had
13 questioned why there was two, you know, meter
14 numbers on there. So then I contacted them and I
15 guess they had switched out a meter --

16 JUDGE HAYNES: Okay.

17 MR. KANNENBERG: -- to do a test on it, which I
18 told them any time that they, you know, need to run
19 tests or whatever, I would like to be present, if
20 possible, can you give me a call. You know, if I
21 can't be there, well, then I can't be there.

22 I don't know exactly when they had came

1 to switch the meter. I'm taking it it was somewhere
2 between 12-8 of 2009 or 2010 or 2009, and then -- or
3 12-16, because they have two different dates. So
4 I'm taking it it was not done on the same day, which
5 how that could be, I don't understand, because if
6 you take something out, you have to put something
7 back in.

8 JUDGE HAYNES: Okay.

9 MR. KANNENBERG: So, you know, I called on the,
10 you know, bill, again, and I think it was December
11 29th that I had called the Commerce Commission in,
12 you know, regard to this, because nobody could
13 explain what's going on, why the bills were so high,
14 all that.

15 Then I had gotten a bill on January 20
16 of 2010, which had I guess some bad debt
17 reinstatement or something from a previous
18 apartment, which if they want to go back to the
19 previous apartment on their Exhibit 6(a), I still am
20 questioning how they operate their operation.

21 On 3-11 of -- I think this would
22 be '08 -- yes, March 11 of '08, they have an

1 estimate reading of 74862 and an actual reading, so
2 I'd like to know how they do their billing.

3 JUDGE HAYNES: So one is the previous and the
4 actual?

5 MR. KANNENBERG: Yes, but it has estimate. I was
6 told if they have estimate, they just kind of ramble
7 off a number.

8 JUDGE HAYNES: I'm sorry. One is the previous
9 and one is the present --

10 MR. KANNENBERG: One is -- the previous number --

11 JUDGE HAYNES: -- estimate?

12 MR. KANNENBERG: -- is 74,862 est, which I was
13 told by Mr. Thornton that that means estimate.

14 JUDGE HAYNES: Okay. Then the present one is an
15 actual.

16 MR. KANNENBERG: An actual reading. I mean,
17 then, again, I'm questioning how they run it. And
18 even when they came out to do the foreign load test,
19 which is the gentleman sitting to my left over
20 there, he had said that they don't have enough crew
21 to go out and, you know, do all of the physical
22 meter reads that they are I guess switching over to

1 electric or something where they can just go on the
2 computer and get it right off the computer, so
3 that's why all these, you know, bills are estimates.

4 JUDGE HAYNES: Okay.

5 MR. KANNENBERG: So, you know, then, again, I
6 mean, is it fair to just ramble off numbers to
7 estimates?

8 JUDGE HAYNES: Okay. So you just mentioned a
9 couple more pieces of paper. Did you want me to
10 look at them as well?

11 MR. KANNENBERG: Yes.

12 JUDGE HAYNES: The last thing I got was the
13 December 17th bill.

14 MR. KANNENBERG: Okay. Let me find the January
15 20 one, which I'm still in limbo on. The
16 January 20th one, why -- I never had an explanation
17 on why this says that my current service has been --
18 or current billing, I believe, it states has been
19 delayed -- the current month's electric service has
20 been delayed. I still have not had an explanation
21 of why it has been delayed, but then on January
22 22nd, two days later --

1 JUDGE HAYNES: So -- I'm sorry. So the January
2 20 bill we are going to mark Complainant's Exhibit
3 4, and this is -- is this the document that you
4 mentioned that talked about reinstating bad debt,
5 the January 20th bill?

6 MR. KANNENBERG: Yes.

7 JUDGE HAYNES: Okay. And that's Complainant's
8 Exhibit 4. Okay.

9 (Whereupon, Complainant's
10 Exhibit No. 4 was marked
11 for identification.)

12 MR. KANNENBERG: Which I had, you know,
13 questions, and this relates to all of the bills.
14 how -- reinstate bad debt service I believe that was
15 from a prior apartment. How come, you know, there's
16 two reinstatement bad debt services with this bill?
17 It's 11487, and the other one is \$6.76, and there's
18 a late payment, which I believe what they're doing
19 is basically taking all the late payments and just
20 adding on, and, to me, it seems like they're -- I
21 don't know what they're doing. They're taking the
22 late payments from the others and adding stuff to it

1 for the current bill.

2 JUDGE HAYNES: Okay.

3 MR. KANNENBERG: And there is a bill dated
4 January 22nd at 2010, which they had -- I believe
5 had installed the new meter, and I got a 120
6 estimate, too, which is a previous reading, 120
7 estimate. Now if it's a brand new meter, it starts
8 off at zero.

9 JUDGE HAYNES: That's what this says. Are you
10 talking about your December 17th bill?

11 MR. KANNENBERG: No, the January 22nd bill.

12 JUDGE HAYNES: I don't have the January 22nd
13 bill.

14 MR. KANNENBERG: Okay. Which then, again, I had
15 called, and it seems like -- I forget exactly when I
16 had called Fred Thornton, but his attitude was kind
17 of like go to hell. You're dealing with the
18 Commerce Commission now. I'm not dealing with you.
19 You know, I tried to work it out reasonable. So --

20 JUDGE HAYNES: So complainant -- your
21 January 22nd bill we are going to mark as
22 Complainant Exhibit 5.

1 (Whereupon, Complainant's
2 Exhibit No. 5 was marked
3 for identification.)

4 JUDGE HAYNES: Okay. So what was the question
5 about this bill?

6 MR. KANNENBERG: How it got from 120 estimate to
7 an actual reading of 4,148 kilowatt-hours I believe.

8 JUDGE HAYNES: Okay. So the 120 estimate is from
9 the December 17th bill. So that carries over to the
10 January 22nd bill.

11 MR. KANNENBERG: Yes.

12 JUDGE HAYNES: Okay.

13 MR. KANNENBERG: Which how they -- brand new
14 meter. Anything brand new starts off at zero and
15 then adds to it. How they can automatically slap an
16 estimate of 120 kilowatt-hours --

17 JUDGE HAYNES: Your December 17th bill it starts
18 at zero.

19 MR. KANNENBERG: Yes. That is the -- according
20 to the -- according to my old meter I believe it
21 was.

22 JUDGE HAYNES: No. No. The new meter is 14157.

1 MR. KANNENBERG: All right. Yes. The new meter
2 I believe is -- the last four is 5623 --
3 JUDGE HAYNES: Right.
4 MR. KANNENBERG: -- numbers. The old one is
5 6038.
6 JUDGE HAYNES: Okay.
7 MR. KANNENBERG: Now in the process of billing,
8 how did they go from -- let me see -- December to an
9 estimate of 120 to, in a little over a month --
10 actually under a month if they switched it out on
11 the 12-6-2010, supposedly read it on 120 of 2010
12 total kilowatt-hours present reading when they
13 supposedly read it, which is 4,148 kilowatt-hours?
14 JUDGE HAYNES: Okay. That was during the month
15 of January.
16 MR. KANNENBERG: Yes, January 22nd.
17 JUDGE HAYNES: And you said you have all electric
18 heat, right?
19 MR. KANNENBERG: Yes, and it's even on the
20 billing as well, right about current -- actually
21 right below the "meter reading residential space
22 heat multiple."

1 JUDGE HAYNES: Okay.

2 MR. KANNENBERG: When they came out to do the
3 foreign load test, I was told that there was -- you
4 know, ComEd for all electric units have a credit.
5 Now none of these bills that I have discussed so far
6 has any type of ComEd space heat there --
7 residential heat credit on it. Credits did not kick
8 in looks like until March 19th of 2010.

9 So I'd like to know what happened to
10 November, December, January, and February. That's
11 four months that -- you know, then, again, where is
12 the, you know, ComEd space credit? And that was
13 also stated to the gentleman over there that came
14 out to do the load test.

15 JUDGE HAYNES: Okay. So do you have another bill
16 where it has the credit that you want me to look at?

17 MR. KANNENBERG: I just have the billing
18 statement, which was on 5-23 of 2010, which has the
19 \$40 in their credit amount.

20 (Document tendered.)

21 JUDGE HAYNES: We are going to mark this
22 Complainant's Exhibit 6, and it's the ComEd account

1 activity statement.

2 (Whereupon, Complainant's
3 Exhibit No. 6 was marked
4 for identification.)

5 MR. KANNENBERG: Now with the January 22nd
6 bill --

7 MR. GOLDSTEIN: I'm sorry. Is this Complainant's
8 Exhibit 6?

9 JUDGE HAYNES: Yes.

10 MR. GOLDSTEIN: Sorry.

11 JUDGE HAYNES: That's okay.

12 MR. KANNENBERG: Now the January 22nd bill I was
13 actually looking at it. Now the service supposedly
14 from 12-16-09 to 1-20-10, but the meter was read on
15 February 18 of 2010.

16 JUDGE HAYNES: So that's your next bill, the
17 February bill, are you looking at?

18 MR. KANNENBERG: That would be the January 22nd
19 bill --

20 JUDGE HAYNES: The meter reader --

21 MR. KANNENBERG: -- which I have the bill right
22 here.

1 JUDGE HAYNES: Are you looking at what you handed
2 me before? Because that has a meter read date of
3 January 20th.

4 MR. KANNENBERG: Issued date January 22nd of
5 2010. I believe that was one of the copies that I
6 had handed you.

7 JUDGE HAYNES: Okay. So I'm not seeing what
8 you're saying, because on that January 22nd bill it
9 has a read date of January 20.

10 MR. KANNENBERG: Yes, 120.

11 JUDGE HAYNES: Okay.

12 MR. KANNENBERG: Now it says under the February
13 18 bill -- that might have been the following bill
14 February 18, yes.

15 JUDGE HAYNES: Okay. Let's pass that one out.

16 MR. KANNENBERG: When the bill came out on
17 February 18th, the read date is 2-18 of 2010. Well,
18 according to their printout, it was done on 1-22.

19 JUDGE HAYNES: And the print you are talking
20 about is Exhibit 6. And what you are just passing
21 the February 18th bill will be Complainant's Exhibit
22 7.

1 (Whereupon, Complainant's
2 Exhibit No. 7 was marked
3 for identification.)

4 MR. KANNENBERG: So this sounds kind of boggled on
5 how the read date, according to the bill, was on
6 2-18, but when they had printed it off the ComEd
7 account activity sheet, dated 5-23 at 2010, the two
8 dates are like months apart, so the read date on the
9 bill for February 18 of 2010 was from service 12-16
10 to 1-20.

11 JUDGE HAYNES: No.

12 MR. KANNENBERG: You are talking almost a month
13 later that they came out and read it?

14 JUDGE HAYNES: I don't understand what you just
15 said, so I'm looking at your February 18th bill and
16 the read date is February 18th.

17 MR. KANNENBERG: Yes.

18 JUDGE HAYNES: And it says "service from January
19 20th to February 18th."

20 MR. KANNENBERG: Yes.

21 JUDGE HAYNES: I'm suppose to be looking
22 somewhere on the activity statement. That's the

1 jump I'm not making.

2 MR. KANNENBERG: The activity statement which you

3 do have --

4 JUDGE HAYNES: So what's the date? You have got

5 to walk it through for the record.

6 MR. KANNENBERG: -- the date is 1-22 of 2010, and

7 I believe that was entered in their computer.

8 JUDGE HAYNES: So you want me to look at a

9 certain line on this piece of paper --

10 MR. KANNENBERG: Yes.

11 JUDGE HAYNES: -- and it states -- is it the line

12 that you circled by any chance?

13 MR. KANNENBERG: It's the line I kind of -- yes,

14 the date I circled, 1-22.

15 JUDGE HAYNES: Okay.

16 MR. KANNENBERG: And then the line across. Now

17 we are almost talking 30 days apart from, you know,

18 the bill.

19 JUDGE HAYNES: But lower on that activity

20 statement it moves on to the February 18th bill,

21 so -- and that I think corresponds with --

22 MR. KANNENBERG: My problem is the read date --

1 JUDGE HAYNES: Okay.

2 MR. KANNENBERG: -- is 2-18.

3 JUDGE HAYNES: On your --

4 MR. KANNENBERG: On the billing is 2-18 of 2010.

5 JUDGE HAYNES: Right.

6 MR. KANNENBERG: Now services were used from

7 12-16 to 1-20.

8 JUDGE HAYNES: But if you go --

9 MR. KANNENBERG: From 1-20 to 2-18.

10 JUDGE HAYNES: If you go down six lines on your

11 activity statement, it talks about the 1-20 to 2-18.

12 MR. KANNENBERG: Oh, okay. Now that was, yes, on

13 2-18, so the two lines kind of boggle me, too, and

14 also on that -- the January 22nd bill there is --

15 everything lines up I believe, except where there's

16 \$23.77, \$114.87, \$6.76, which are mysteriously not

17 on the billing statement dated 5-23 at 2010.

18 So are those numbers that they took off

19 or vanished in thin air or what happened to them?

20 Every other line item seems to be, you know, fairly

21 accurate comparing the bill to the activity

22 statement, except for that.

1 JUDGE HAYNES: So you are talking about the
2 January 22nd bill?

3 MR. KANNENBERG: Yes.

4 JUDGE HAYNES: So Complainant's Exhibit 5, and
5 the numbers you were saying what's missing?

6 MR. KANNENBERG: \$23.77.

7 JUDGE HAYNES: So that 23.77 becomes the late
8 payment charge?

9 MR. KANNENBERG: Yes. The late payment charges
10 from reinstated previous late payment electric.

11 JUDGE HAYNES: Okay.

12 MR. KANNENBERG: 2377, 11487, 676. Now the 281,
13 which I believe is on the bill.

14 JUDGE HAYNES: But I think that --

15 MR. KANNENBERG: I mean, everything seems to
16 follow, you know, according to the bill -- to the
17 sheet, you know.

18 JUDGE HAYNES: Okay.

19 MR. KANNENBERG: For the charges, you know, the
20 bad debt, all that, except for those numbers are not
21 there.

22 JUDGE HAYNES: Okay. And then you talk about a

1 March bill that has credits.

2 MR. KANNENBERG: Yes.

3 JUDGE HAYNES: Okay.

4 MR. KANNENBERG: Now, according to the March bill
5 itself, there's an , you know, excess credit of \$40
6 which I believe that would be credit for the ComEd
7 space heat.

8 JUDGE HAYNES: Let's pass out the March bill.

9 MR. KANNENBERG: And I think this other one goes,
10 yes, 1 of 2, 2 of 2, Page 1, Page 2. This is Page
11 1, Page 2.

12 JUDGE HAYNES: Okay. The March 19 bill will be
13 Complainant's Exhibit 8, and it's two pages.

14 (Whereupon, Complainant's
15 Exhibit No. 8 was marked
16 for identification.)

17 And so could you point to me where this
18 credit is you are talking about?

19 MR. KANNENBERG: It is almost at the bottom of
20 the page to the left. It will say "other charges,
21 payment, ComEd winter space." It's the second line
22 on there with the March 19th bill.

1 JUDGE HAYNES: Okay. The one that probably goes
2 with the excess credit where it says minus 40?

3 MR. KANNENBERG: Yes. I believe, yes, because
4 that seems to be taken off.

5 JUDGE HAYNES: Okay. And so that was -- was that
6 on any of the previous bills?

7 MR. KANNENBERG: No, that was not. Up until
8 March 19 of 2010, no other deductions were made off
9 of that bill as far as the space heat credit. Now
10 the April 18 bill came out -- let's see. I think
11 I'm skipping ahead or -- yes, April 19 bill came
12 out, and according to this bill, I do not see any
13 credit on there as well.

14 JUDGE HAYNES: Okay. So this is going to be
15 Complainant's Exhibit 9 and it's the April 19th
16 bill.

17 (Whereupon, Complainant's
18 Exhibit No. 9 was marked
19 for identification.)

20 MR. KANNENBERG: So then, again, I'm questioning
21 what exactly is ComEd doing if there are suppose to
22 be, you know, credits applied. And according to the

1 reading as well, we have an actual reading of the
2 previous of 8421 and then an estimate reading, so
3 that goes from actual to estimate.

4 So pretty much what I'm stating is I
5 want to know exactly what date, what time that these
6 meters were read, if they have an actual and an
7 estimate? An estimate to me means just plop in a
8 number and be done with it.

9 And then the May bill came out and it
10 got from an estimate to an actual as well. So, you
11 know, then again what is ComEd doing? It seems like
12 every bill is actual estimate or estimate actual on
13 their billing.

14 So, basically, they go from an actual
15 reading to an estimate or estimate reading to an
16 actual reading. So what is it? Are they reading
17 the meter? Yes or no?

18 JUDGE HAYNES: So your May 18 bill we'll mark as
19 Complainant's Exhibit 10.

20 (Whereupon, Complainant's
21 Exhibit No. 10 was marked
22 for identification.)

1 those, because I think it's Page 2 on the back as
2 well.

3 (Documents tendered.)

4 JUDGE HAYNES: Okay. We are going to take a
5 quick break to make these copies.

6 (Off the record.)

7 Let's go back on the record.

8 So here is the second page to the April
9 18th bill, and here is the second page to the
10 May 19th bill.

11 MR. KANNENBERG: And then I had received a letter
12 May 23rd at 2010 with my current balance of 95923.
13 According to the May 18 bill, has a total balance of
14 93137. So there is, you know, a little over, you
15 know, \$20 difference there, which is unexplainable.

16 And, according to the activity
17 sheet printed out on 5-23, it looks like the balance
18 is \$999.29, then there -- looks like on 5-21 a
19 credit of \$40 for the space heat. So either way you
20 divide, multiply, add, subtract the numbers, the
21 three numbers in general don't even match up,
22 because the May 18th bill has 93137 total bill.

1 JUDGE HAYNES: When I look at this May 18 bill,
2 I'm seeing a total amount due of 999.29. Where are
3 you getting the 931?

4 MR. KANNENBERG: Oh, okay. My fault. I did not
5 look on Page 2.

6 JUDGE HAYNES: Okay. Then the account
7 statement --

8 MR. KANNENBERG: According to the last bill then,
9 yes, it is 99929, but according to their letter on
10 the same date, which is 95929, so, you know, \$40
11 difference on there.

12 JUDGE HAYNES: Do you have a letter I don't have
13 maybe?

14 MR. KANNENBERG: Yes, I do.

15 JUDGE HAYNES: Okay. So we are going to mark
16 this Complainant's Exhibit 11, and it is a letter
17 dated May 23rd.

18 (Whereupon, Complainant's
19 Exhibit No. 11 was marked
20 for identification.)

21 MR. KANNENBERG: Now none of these have an exact
22 date according to the bills on when the ComEd winter

1 space credit was applied. Now have they been
2 applied on the bills? It doesn't have a date like
3 the other ones or, you know, current charges, all
4 that. So my guess would be, no, it has not been
5 applied to half of the bills, and judging by, you
6 know, the activity statements, as far as, you know,
7 previous years, none of them seem to even come close
8 to, you know, what exactly, you know, my bill has
9 been. It seems like my bill has been a lot higher
10 than according to, you know, way back in the record
11 in 2008 to 2007.

12 JUDGE HAYNES: Okay.

13 MR. KANNENBERG: So my thing is why these bills
14 are so high, that ever since that rate freeze went
15 off, it seemed like let's get money now.

16 JUDGE HAYNES: Okay. So you just handed me two
17 sheet of paper. Do they go together?

18 MR. KANNENBERG: Yes.

19 JUDGE HAYNES: We are going to mark them
20 Complainant's Exhibit 12. Which one should be on
21 top, the one with 12-16 on the top?

22 MR. KANNENBERG: Yes, I believe so.

1 (Whereupon, Complainant's
2 Exhibit No. 12 was marked
3 for identification.)

4 I believe that was the first one that
5 was given to me, and the one with 4-16-10 goes on
6 the bottom. It does have a different dates on them,
7 so I don't think it really matters on which one goes
8 with what.

9 JUDGE HAYNES: And what is this?

10 MR. KANNENBERG: This is just a meter read
11 history as far as the -- you know, the apartment
12 goes I believe dating way back to, it looks like,
13 12-14 of 2006, you know, when it was inactive.

14 JUDGE HAYNES: So it's not your history. It's
15 the --

16 MR. KANNENBERG: I think it's partially my
17 history. I believe it is because 4-16 of 10 we were
18 there, so I think it's a combination of, you know,
19 not my history, and my history to compare the bills
20 to, you know, what they have been prior with my
21 history I believe added on as well --

22 JUDGE HAYNES: Okay.

1 MR. KANNENBERG: -- which I --

2 JUDGE HAYNES: Okay. We will have to put this
3 on. Okay. Go ahead.

4 MR. KANNENBERG: -- which talking to my
5 father-in-law a couple days ago, he had a huge house
6 out in Woodstock is a little over a thousand a
7 month. Now these bills are -- half of them are
8 coming damn close, not even a 500-square foot
9 apartment, you know, which when we had moved in, I
10 literally had three light bulbs. And how my bill
11 could be -- I believe it was \$159, and I was told
12 when I called in on the bill that somebody was out
13 that day to physically read the meter, which I
14 believe was on November 3rd, I think when the ComEd
15 account had originated, when I called in -- now
16 pardon me -- but BS.

17 My wife was there the whole day sitting
18 on the balcony, because she could not help move
19 stuff in the apartment, and not one vehicle from
20 ComEd and/or a person with an ID had came up to that
21 building. There was not one physical trunk in the
22 apartment as well -- or in the complex as well on

1 that date. So how that, you know, could be
2 physically read on that date is beyond me.

3 But according to the bill, November
4 16th, it was read on November 16th. So how could I
5 be told it was read on November 3rd when, you know,
6 13 days later it was read?

7 JUDGE HAYNES: Okay.

8 MR. KANNENBERG: There seems a problem here. Is
9 there? If you please address it, because I'd like
10 to know. I mean, I seem to hear you mumbling --

11 JUDGE HAYNES: Mr. Kannenberg --

12 MR. KANNENBERG: -- making smart gestures and all
13 that. So, you know, if there is a problem, please
14 come out and tell --

15 MR. GOLDSTEIN: You are jumping back and forth
16 all over the place, Mr. Kannenberg. It's very
17 difficult to follow.

18 MR. KANNENBERG: Well, this is one big mess,
19 which, if it were up to me, I'd rather be doing
20 something else.

21 JUDGE HAYNES: Mr. Goldstein, please.

22 MR. KANNENBERG: For the record, if there is a

1 problem --

2 JUDGE HAYNES: Mr. Kannenberg, please stop.

3 MR. KANNENBERG: -- please address that now.

4 JUDGE HAYNES: Mr. Goldstein, please. No more

5 theatrics.

6 Mr. Kannenberg, please continue. So do

7 you have any other paper that --

8 MR. KANNENBERG: There is --

9 JUDGE HAYNES: -- I should review?

10 MR. KANNENBERG: There is one more paper left,

11 which I believe has the, you know, breakdowns of the

12 credits, LIHEAP payment, the adjustments, and all

13 that which --

14 JUDGE HAYNES: So this will be Complainant's

15 Exhibit 13.

16 (Whereupon, Complainant's

17 Exhibit No. 13 was marked

18 for identification.)

19 MR. KANNENBERG: -- to the bill it doesn't

20 compare to any other billing.

21 JUDGE HAYNES: And --

22 MR. KANNENBERG: The physical bill itself, the

1 paper bills it doesn't, you know, specify really
2 anything on those bills on this.

3 JUDGE HAYNES: And this looks like a printout
4 from ComEd's computer system. At the top it says
5 "Account 56606-28058," so that's Complainant's
6 Exhibit 13, and -- okay. And it shows the credits
7 is what you are saying?

8 MR. KANNENBERG: Yes. It looks like a breakdown
9 of the credits, you know, as far as what the space
10 heat credit and all that is, but, you know, I'd like
11 to know is those credits applying through the whole
12 bill as far as my understanding in completely all
13 electric unit or is that just winter or what
14 happened? Why is it all of a sudden coming up now?
15 It seems like if I want to push the issue with it
16 Com Ed would be getting Scott free as far as the
17 money that they're making.

18 JUDGE HAYNES: Okay. And is there anything else?

19 MR. KANNENBERG: I think that would be it, until
20 we go into their billing from I believe it was an
21 old apartment, which really wasn't an issue, but it
22 will be an issue now.

1 JUDGE HAYNES: I'm not -- I don't know what you
2 are talking about. You mean the one that carried
3 over?

4 MR. KANNENBERG: Yes, the old apartment from 1200
5 East Ardyce.

6 JUDGE HAYNES: And this is what was reflected on
7 that January 20th where they reinstated that bad
8 debt?

9 MR. KANNENBERG: Well, that has been all the way
10 through November's bill, I believe all the way to
11 the first bill that I had received.

12 JUDGE HAYNES: The one at 1487, that carries
13 through?

14 MR. KANNENBERG: Yes. The one on the 11th I
15 believe the very first bill, which I believe it was
16 like the November 16th bill I think it was.

17 JUDGE HAYNES: I see that on this bill, yes.
18 November 16th. So what are you saying about that?

19 MR. KANNENBERG: It seems like, according to, you
20 know, all the bills, you know, from November 16 to
21 the bills that they had gave me, looks like they're
22 just taking on, you know, charges after charges. To

1 me, I thought this was a separate bill so it should
2 have been separate somewhere on the bill.

3 JUDGE HAYNES: And "this," you mean the old
4 debt?

5 MR. KANNENBERG: The old debt, yes.

6 JUDGE HAYNES: The 14th?

7 MR. KANNENBERG: It seems to coinciding along
8 with the new debt or billing.

9 JUDGE HAYNES: Do you dispute that you owe the
10 114.87?

11 MR. KANNENBERG: Yes, I do. Yes, I do dispute
12 it, and because just briefly looking over their
13 bills, which is the same issue that I'm having with
14 these new bills, it goes from estimate to actual to
15 actual to estimate. So --

16 JUDGE HAYNES: What is the -- do you have the
17 final bill from your previous apartment?

18 MR. KANNENBERG: I haven't had a chance to look
19 at it, but I believe it was July 7th of 2008.

20 JUDGE HAYNES: There's a whole gap of service a
21 whole year.

22 MR. KANNENBERG: No, it goes from 3 of 11 of '08

1 to 7-7 of '08 -- July 7 of '08.

2 JUDGE HAYNES: So what about from July '08 to
3 November of 09? Did you not have electric service?

4 MR. KANNENBERG: No. We moved out of the area to
5 our camper out in Fox Lake and were off and on kind
6 of disputing the bill when it was disconnected,
7 which I didn't -- actually did not. For this
8 matter, I'd like to get a continuance for it because
9 there was an eviction dated earlier and it was
10 called in to have it cancelled, which I do not know
11 the exact date that we were evicted out of 1200 East
12 Ardyce.

13 JUDGE HAYNES: You know, I think that the old
14 debt from your previous apartment has not -- was not
15 included as part of your complaint, so --

16 MR. KANNENBERG: I am not positive. I think it
17 was kind -- I believe it was briefly stated in there
18 but not as heavily I believe.

19 JUDGE HAYNES: It's --

20 MR. KANNENBERG: I don't believe it really
21 specifies it. It just says "inaccurate meter
22 readings."

1 JUDGE HAYNES: And I doubt that Mr. Goldstein was
2 aware that you were -- because I don't want to speak
3 for Mr. Goldstein. However, this space -- you
4 haven't outlined in your complaint that you were
5 disputing that portion of the bill. You only talk
6 about the fact that there's too many estimates
7 and that portion before you moved into the
8 apartment --

9 MR. KANNENBERG: Yes.

10 JUDGE HAYNES: -- from before November, I think
11 it was from October into November.

12 MR. KANNENBERG: Yes. October and November we
13 were originally billed and --

14 JUDGE HAYNES: I think those are the only two
15 things you mentioned in your complaint. You don't
16 actually dispute the carryover from your old
17 account.

18 MR. KANNENBERG: I think originally when I had
19 talked to Fred Thornton on December 19 I think it
20 was 13915 that I believe we, you know, kind of
21 agreed upon that that was still owed.

22 JUDGE HAYNES: And that was for what -- for, you

1 know, what?

2 MR. KANNENBERG: That was still owed from the
3 1200 East Ardyce Lane, which was our old apartment.

4 JUDGE HAYNES: Okay. So that's --

5 MR. KANNENBERG: So 13915 we had kind of agreed
6 upon that that would be, you know, the balance that
7 was still owed once the kilowatt-hours from October
8 to November or whatever that mysterious billing
9 period that I was not there for.

10 JUDGE HAYNES: So we are not today though talking
11 about the old debt from --

12 MR. KANNENBERG: I believe that's why they had
13 given me the paperwork to dispute that in this
14 hearing.

15 JUDGE HAYNES: Who gave you paperwork?

16 MR. KANNENBERG: Mr. Goldstein. Actually, Monica
17 Merino gave me the paperwork, which --

18 JUDGE HAYNES: But -- okay. Go ahead.

19 MR. KANNENBERG: -- which is Docket No. 10-0031,
20 ComEd Exhibit 6(a) I believe it is.

21 JUDGE HAYNES: I don't have that yet. They
22 haven't --

1 MR. KANNENBERG: I believe that was when you were
2 out copying my paperwork that I was handed this.

3 Is this copies for everybody,
4 Mr. Goldstein --

5 MR. GOLDSTEIN: Yes.

6 MR. KANNENBERG: -- or was this just for mine?

7 MR. GOLDSTEIN: There was a transfer amount from
8 his apartment in Ardyce in Mount Prospect to the
9 Bonhill Drive account in Arlington Heights, and we
10 are prepared to show the transfer in the account.
11 That will be part of our evidentiary presentation --

12 JUDGE HAYNES: Okay.

13 MR. GOLDSTEIN: -- and then he can cross-examine
14 on that.

15 JUDGE HAYNES: Did you have something else to say
16 about the old debt from Ardyce?

17 MR. KANNENBERG: The old debt, I mean, I have to
18 get the original paperwork as far as the eviction on
19 that, which will prove in the bills that I believe
20 it was somewhere within June or July -- June that we
21 were evicted, which is legal court documents that
22 that service was still continued on even though I

1 was forced out by law. I could not enter that
2 building. So that's the only reason why I would
3 like to continue as far as that goes, but the
4 problem is is that debt coincide with, you know,
5 some of reinstate bad debt. That amount keeps
6 changing on every single bill from November all the
7 way up to the current charges, that nothing has
8 stayed the same as far as the original debt.

9 Basically, the numbers, you know, the
10 past due balance, the charges all that are on the
11 bottom of the bill added in along with the current,
12 you know, with the past due from the old
13 apartment.

14 See, I was told when we had contacted
15 them that that would be a separate issue altogether.
16 Then when I started noticing some of these bills, it
17 seems, especially like every time the bill comes
18 out, the dollar amount changes, so it's not kind
19 of a --

20 JUDGE HAYNES: For the old debt you are saying?

21 MR. KANNENBERG: Yes. They made a
22 separate-issue-into-a-current-issue combination pot

1 is what they did.

2 JUDGE HAYNES: Well, okay. Anything further?

3 MR. KANNENBERG: That would be it. I mean, other
4 than as far as I don't know how to handle that, you
5 know, other billing.

6 JUDGE HAYNES: The old billing?

7 MR. KANNENBERG: Yes, the old billing, because
8 that's involved with the current billing as well,
9 you know.

10 JUDGE HAYNES: But you don't have anything
11 further with you on it today?

12 MR. KANNENBERG: No.

13 JUDGE HAYNES: Okay.

14 MR. KANNENBERG: No, I don't.

15 JUDGE HAYNES: Okay. So you presented 13
16 exhibits. Did you want to move those into the
17 record?

18 MR. KANNENBERG: Yes, I do.

19 JUDGE HAYNES: Mr. Goldstein, do you object?

20 MR. GOLDSTEIN: On the contrary, I have no
21 objection.

22 JUDGE HAYNES: Okay. Then Complainant's Exhibits

1 1 through 13 are admitted into the record.

2 (Whereupon, Complainant's
3 Exhibit Nos. 1 thru 13
4 were received in
5 evidence.)

6 Did you have anything further to add or
7 could Mr. Goldstein proceed with his witnesses?

8 MR. KANNENBERG: Other than, you know, I would
9 like, you know, an explanation on all this, and how
10 exactly do they -- what is a kilowatt, and how do
11 they bill it is what I would like to find out.

12 JUDGE HAYNES: Okay.

13 MR. KANNENBERG: Because, like I stated in the
14 beginning, as far as the adjustments, the 159 the
15 106, one is higher, but it's a lower dollar amount.
16 So, you know, everything is based upon gallon, you
17 know, whatever.

18 JUDGE HAYNES: Okay. Thank you.

19 Mr. Goldstein, would you like to call
20 your first witness.

21 MR. GOLDSTEIN: Could we have a short recess,
22 Judge. I may have some cross examination of --

1 JUDGE HAYNES: Judge -- oh, yes, I'm sorry.

2 MR. GOLDSTEIN: -- Mr. Kannenberg.

3 JUDGE HAYNES: Go ahead.

4 MR. GOLDSTEIN: Could we take a 5-minute recess.

5 JUDGE HAYNES: Yes, 5 minutes.

6 (Whereupon, a 5-minute

7 break was taken.)

8 We are back on the record. Go ahead.

9 DONALD J. KANNENBERG,

10 called as a witness herein, having been first duly

11 sworn, was examined and testified as follows:

12 CROSS EXAMINATION

13 BY

14 MR. GOLDSTEIN:

15 Q. Mr. Kannenberg, do you have Complainant's

16 Exhibit 1 in front of you? Can you find it?

17 JUDGE HAYNES: It's the February 26th letter.

18 MR. GOLDSTEIN: Oh, I thought that was the first

19 bill.

20 THE WITNESS: February 26th letter, yes, I do.

21 MR. GOLDSTEIN: I thought that's Exhibit 2 I

22 thought.

1 JUDGE HAYNES: Not according to my notes.

2 MR. GOLDSTEIN: Q. Let's go to Exhibit 2 then.

3 I'm sorry.

4 JUDGE HAYNES: The November 16th bill.

5 MR. GOLDSTEIN: Yes. Sorry about the

6 mis-marking.

7 MR. GOLDSTEIN: Q. Do you see that there are

8 various charges starting with the distribution

9 facilities charge and then it shows a number of

10 kilowatts and then it multiplies times a cost?

11 For example, with the distribution facilities

12 charge, it's a little over 2 two cents per kilowatt,

13 and for the transmission service charge it's

14 six-tenths -- a little over six-tenths of a cent per

15 charge, so on and so forth, down the line there.

16 My question is isn't it a fact that the

17 actual charges per kilowatt for various charges on

18 your bill are actually clearly demonstrated on the

19 bill?

20 A. No, it is not. It is not clear, because I

21 want to talk about like the 1305 kilowatt-hours, you

22 go from an actual reading to an estimated reading,

1 so, therefore, no, it is not.

2 Q. I didn't ask you that question.

3 MR. GOLDSTEIN: I ask that it be stricken.

4 THE WITNESS: No, I want it on the record.

5 JUDGE HAYNES: It's not stricken. Go ahead with

6 your next, Mr. Goldstein.

7 MR. GOLDSTEIN. Q. Let's look at -- you have

8 Complainant's Exhibit 6, which is the account

9 activity statement. Do you have that in front of

10 you?

11 A. Exhibit 6.

12 Q. The account activity statement.

13 JUDGE HAYNES: This one (indicating). Yes,

14 that's it.

15 THE WITNESS: It would be this one?

16 JUDGE HAYNES: Uh-huh.

17 THE WITNESS: According to that, it would be

18 Exhibit No. 1.

19 JUDGE HAYNES: Well, according to, well --

20 MR. GOLDSTEIN: Q. I'm looking at your exhibits,

21 Mr. Kannenberg. Okay.

22 A. Okay. We can go off your --

1 JUDGE HAYNES: The only thing in the record so
2 far is that Complainant's Exhibit 6 the activity
3 statement.

4 What is your question, Mr. Goldstein?

5 MR. GOLDSTEIN: Thank you.

6 MR. GOLDSTEIN: Q. Do you see that -- first of
7 all, on March 19, 2010, you received a credit for
8 space heat, and you also received credit on April
9 23, 2010 for \$40, and another credit on May 21, 2010
10 for \$40 for a total amount of \$120 electric space
11 heat credits? How do you figure \$120? Forty
12 dollars times three.

13 A. Yes.

14 Q. Okay.

15 A. Which my understanding I'd like to
16 know how -- when exactly are those credits applied.

17 Q. All right. Now my question to you,
18 Mr. Kannenberg, is when did you apply for LIHEAP?

19 A. When did I apply for LIHEAP?

20 Q. Yes.

21 A. Let's see. Looks like March 4, 2010 might
22 have been give or take a week before that, because

1 that's when I received the letter.

2 Q. And so now looking again at your Exhibit 6,
3 Mr. Kannenberg, I assume you still have that in
4 front of you. Do you see that -- and you have
5 circled it that January 22, 2010 electric service.
6 Do you see that on the account activity statement?
7 I'm sorry.

8 JUDGE HAYNES: You know, we are going to have to
9 take a one-minute break. I apologize.

10 (Off the record.)

11 Okay. Sorry. We are back on the
12 record. Repeat your question. I missed it.

13 MR. GOLDSTEIN: I'll repeat it, Judge.

14 MR. GOLDSTEIN: Q. Looking at that circled date
15 that you have on your Exhibit 6 to January 22,
16 2010 --

17 JUDGE HAYNES: The activity statement.

18 THE WITNESS: Yes, I know. I'm trying to find
19 mine where I circled it so I can follow. Yes.

20 MR. GOLDSTEIN: Q. Do you see that it was for a
21 period of from December 16, 2009 and that the meter
22 was read on January 20th and the 1-22-2010 date is

1 the date that your account was billed? Do you see
2 that?

3 A. Yes.

4 Q. And going down to each -- going down to
5 about five or six lines further down for the billing
6 date of February 18, 2010, do you see that on
7 your --

8 A. January 20 through February 18?

9 Q. Yes.

10 A. Yes.

11 Q. And you see that the meter was read on
12 February 18th and your account was billed on
13 February 18, 2010?

14 JUDGE HAYNES: Mr. Goldstein, I don't see that.
15 Where does -- maybe I'm missing. Which column has
16 the date?

17 MR. GOLDSTEIN: It says --

18 JUDGE HAYNES: Meter read. I see that it was
19 read and did read --

20 MR. GOLDSTEIN: We will have that explained,
21 Judge. He already responded to it properly.

22 JUDGE HAYNES: Go ahead.

1 MR. GOLDSTEIN: Q. And you see that,
2 Mr. Kannenberg -- repeating again -- your meter was
3 read on February 18, 2010 and was billed on that
4 date? Do you see that?

5 A. February 18th.

6 Q. Yes.

7 A. For that line item, yes, but for the
8 previous one, no.

9 Q. Thank you.

10 Now you presented, Mr. Kannenberg, a
11 series of bills -- I may have missed one or two
12 exhibits -- 2, 3, 4, 5, 7, 8, 9, 10, a series of
13 bills, and in each one of those bills if you look at
14 those bills starting with Complainant's Exhibit
15 No. 2, do you see an amount of 114.87 on those
16 bills?

17 A. Yes, I do.

18 Q. And is it your understanding that \$114.87 is
19 the transferred-in amount from your old apartment on
20 Ardyce in Mount Prospect?

21 A. No, I don't.

22 Q. But you see that amount on each one of those

1 bills, do you not?

2 A. As far as that charge, yes.

3 Q. And you see that that amount of 114.87 is
4 the same amount on each one of those bills?

5 A. No, I don't. May 18th does not have the 114
6 on there.

7 Q. Which bill is that?

8 A. It's dated May 18 of 2010. It was the very
9 last bill.

10 Q. But you do see it on Exhibit 2, do you not?

11 A. Yes. And you asked me if I had seen it on
12 every single bill, and going back through the bills,
13 May 18 does not.

14 Q. And you see it on the --

15 A. April 19 does not. And looks like the March
16 does, so from November to March looks like it does.
17 I would like to know what happened to April and May.

18 MR. GOLDSTEIN: I have nothing further, Judge.

19 JUDGE HAYNES: Thank you. Would you like to call
20 your first witness or did you have any -- would you
21 like to explain any of your answers that you gave
22 there?

1 MR. KANNENBERG: Well, I would just like an
2 explanation as far as the last two bills why it did
3 not carry on there --

4 JUDGE HAYNES: Okay.

5 MR. KANNENBERG: -- which he asked me if it did.

6 You know, by looking at them, the last
7 two previous bills did not, so I would like an
8 explanation on that.

9 JUDGE HAYNES: Okay. Hopefully, Mr. Goldstein,
10 will --

11 MR. GOLDSTEIN: Could we take a short recess to
12 reshuffle the exhibits, Judge?

13 JUDGE HAYNES: Sure.

14 (Off the record.)

15 Let's go back on the record.

16 Mr. Goldstein.

17 MR. GOLDSTEIN: Yes. I would like to call Fred
18 Thornton, Judge, the first witness.

19 Mr. Thornton, in addition to -- I'm
20 sorry.

21 JUDGE HAYNES: Please raise your right hand.

22 (Witness sworn.)

1 JUDGE HAYNES: Thank you.

2 FRED THORNTON,

3 called as a witness herein, having been first duly

4 sworn, was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY

7 MR. GOLDSTEIN:

8 Q. All right. Please state your name for the
9 record, and spell your last name, and tell us by
10 whom you are employed, and in what capacity?

11 A. My name is Fred Thornton. Last name is
12 spelled T-h-o-r-n-t-o-n. I am employed by ComEd in
13 Customer Relations as an analyst.

14 Q. And how long have you employed by ComEd?

15 A. I have been employed by ComEd for two years.

16 Q. And how long have you been a customer
17 relations analyst?

18 A. For one year.

19 Q. Please describe what your duties are as a
20 customer analyst?

21 A. I receive escalated complaints that comes in
22 through various agencies, one being the Illinois

1 Commerce Commission.

2 Q. And how did you become familiar with the
3 account of the complainant, Donald Kannenberg?

4 A. I received an escalated complaint. It came
5 in through the Illinois Commerce Commission around
6 the end of the year last year. I would like to say
7 maybe around November of 2009.

8 Q. And, as part of your duties, do you have
9 access to the account information of the
10 complainant, Donald Kannenberg?

11 A. Yes.

12 Q. And am I correct that for purposes of this
13 hearing today you are going to be sponsoring nine
14 ComEd exhibits?

15 A. Yes.

16 Q. And these nine ComEd exhibits are taken from
17 the company's books and record, are they not?

18 A. Yes.

19 Q. And these records are kept in the ordinary
20 course of ComEd's business; is that right?

21 A. Yes.

22 Q. Let's start with looking at what has been

1 marked as ComEd Exhibit 1.

2 MR. KANNENBERG: I would like an explanation on
3 the bill. It seems like --

4 JUDGE HAYNES: Mr. Kannenberg --

5 MR. GOLDSTEIN: Could I --

6 JUDGE HAYNES: Mr. Kannenberg. Mr. Kannenberg,
7 let Mr. Goldstein go through with his witness. And
8 when he is done asking questions of the witness,
9 you'll have an opportunity to cross-examine the
10 witness.

11 MR. KANNENBERG: Okay. I thought that was going
12 to be answered first.

13 JUDGE HAYNES: He gets to present his case how
14 ever he wants to.

15 Okay. Complainant's Respondent Exhibit
16 1.

17 MR. GOLDSTEIN: Q. Now ComEd Exhibit 1 is the
18 same as Complainant's Exhibit 6, Mr. Thornton.
19 Could you explain what is shown on this exhibit?

20 A. This is a ComEd activity statement for
21 Mr. Kannenberg's active account at 4901 Bonhill
22 Drive, Apartment 2D, in Arlington Heights, Illinois,

1 from the period of November 2, 2009 to May 21, 2010.

2 There is at the beginning of the activity statement,

3 a transfer debit of \$121.69 on November 2nd, and

4 then there's another debit of \$17.46.

5 JUDGE HAYNES: And what does that mean? What's a

6 transfer debit?

7 THE WITNESS: These were transferred amounts from

8 another address where he lived previously. Also, on

9 this exhibit there are credits. I'm showing there's

10 a credit for \$159 on December 10, 2009.

11 MR. GOLDSTEIN: Q. Hold on just a second.

12 That's \$159.23.

13 A. \$159.23.

14 Q. Okay.

15 A. There's a credit. There's also a credit for

16 \$6.31, and then there's another credit for \$106.46,

17 the credit balance of \$272 for those credits.

18 Q. And if you recall there was some discussion,

19 Mr. Thornton, about space heat credits. Do you

20 recall that?

21 A. Yes, sir.

22 Q. And how many space heat credits were applied

1 to Mr. Kannenberg's account?

2 A. There's a space heat credit that is applied
3 on March 19 for \$40, and there's another space
4 credit that was applied on April 19, 2010 for \$40,
5 and then there's another space heat credit that was
6 applied on May 21, 2010 for \$40.

7 Q. In fact, the April space heat credit was
8 applied on April 23rd, was it not?

9 A. There was a LIHEAP payment that came in
10 on -- I'm sorry. What was your question?

11 Q. There was a ComEd space heat credit that was
12 applied on April 23rd?

13 A. April 23rd, yes, April 23, 2010 for \$40.

14 Q. It was also, as you stated, a LIHEAP payment
15 credit of \$440 on his account; is that right?

16 A. Yes, sir, and that was on April 28, 2010.

17 Q. And I believe you may have misstated the
18 address of Mr. Kannenberg's account. It's 4109
19 Bonhill Drive; is it not?

20 A. 4109 Bonhill Drive, yes, sir.

21 Q. Is there anything else you would like to
22 point out about Mr. Kannenberg's account as shown on

1 the activity statement?

2 A. I don't see a single payment made on the
3 account, and, also, as of June -- as of June 10,
4 there was a balance due of 529 -- 559.29.

5 JUDGE HAYNES: Where was that on?

6 THE WITNESS: It's on the top of the sheet.

7 JUDGE HAYNES: Balance due of 955?

8 THE WITNESS: 95929. I'm sorry. 95929.

9 JUDGE HAYNES: Mr. Thornton, where would -- where
10 on this piece of paper would it show if he had made
11 a payment?

12 THE WITNESS: It would show -- under "charge
13 type" it would come in and it would say payment.

14 JUDGE HAYNES: Under -- oh, charge. Oh, I see
15 charge type.

16 MR. GOLDSTEIN: Q. All right. And you already
17 told us that Mr. Kannenberg received three space
18 heat credits. And could you tell us why he did not
19 receive those credits prior to March 19, 2010?

20 A. Those space heat credits would come on the
21 account once the customer has applied for LIHEAP and
22 LIHEAP would approve those space heat credits.

1 JUDGE HAYNES: Is that something LIHEAP pays?

2 THE WITNESS: Yes.

3 JUDGE HAYNES: Okay.

4 MR. GOLDSTEIN: Q. Now let's turn to what has

5 been marked as ComEd Exhibit 2. Do you have that in

6 in front of you?

7 A. Yes.

8 Q. Could you explain what is shown on ComEd

9 Exhibit 2?

10 A. This is a screen print of the LIHEAP when

11 the account became active for LIHEAP the activation

12 date was March 3rd 2010.

13 Q. All right. Let's now turn to Exhibit 3 if

14 you would. Do you have that in front of you?

15 A. Yes.

16 Q. Could you explain what is shown on this

17 screen print?

18 A. These are transfer amounts from

19 Mr. Kannenberg's previous address that have been

20 applied to his current address.

21 Q. And that was his account in Mount Prospect?

22 A. Yes, sir.

1 Q. And is this transfer that occurred by ComEd
2 is that in accordance with the Commission's
3 Rule 83 Illinois Administrative Code 280.50?

4 A. Yes, and in this case the customer failed to
5 pay past due utility service for the same class of
6 service furnished at another address.

7 Q. Let's now turn to ComEd Exhibit 4. Do you
8 have that in front of you?

9 A. Yes.

10 Q. Could you tell us what is shown on this
11 exhibit?

12 A. This is Mr. Kannenberg's previous address at
13 1200 East Ardyce Lane in Mount Prospect, Illinois.
14 I'm showing on this particular document there is
15 \$139.27 that was transferred from this account in
16 November of '09.

17 Q. Okay. And --

18 JUDGE HAYNES: I'm not -- I'm sorry,
19 Mr. Goldstein.

20 MR. GOLDSTEIN: Certainly.

21 JUDGE HAYNES: How does it get to the 139?

22 THE WITNESS: Do you see the credit amount down

1 towards the bottom? On November 4th there was
2 139.15. It was transferred, and then there was two
3 other six cents that was transferred in.

4 JUDGE HAYNES: But so his last bill was how much
5 and how much was carried over from the previous
6 bill? I'm just wondering how the 139 is calculated.

7 THE WITNESS: The 139 is calculated. The --

8 MR. GOLDSTEIN: Judge, perhaps if we go through
9 the subsequent exhibits, it will be clearer.

10 JUDGE HAYNES: Okay. Go ahead. Sorry.

11 MR. GOLDSTEIN: No problem.

12 MR. GOLDSTEIN: Q. Let's turn, if you would, to
13 Exhibit 5. This is another screen print, is it not.

14 A. Yes.

15 Q. Mr. Thornton, could you explain what's shown
16 on this exhibit?

17 A. This is a screen print of the activation
18 date of Mr. Kannenberg's address at 1200 East Ardyce
19 showing that the account was opened up on March 3,
20 2008.

21 Q. And now let's turn to ComEd Exhibit 6(a)
22 through 6(e). Those are various bills for the

1 Ardyce address, are they not?

2 MR. KANNENBERG: I thought we were going to pass
3 this because that has nothing to do with my current
4 dispute --

5 JUDGE HAYNES: Well --

6 MR. KANNENBERG: -- which I asked for, you know,
7 a continuance in regard to my old, you know,
8 account. So I don't know why we are arguing over my
9 old account when --

10 JUDGE HAYNES: If you don't -- Mr. Goldstein, do
11 you have a response to that?

12 MR. GOLDSTEIN: Well --

13 MR. KANNENBERG: -- this has --

14 CHAIRMAN HAYNES: Wait. Wait.

15 MR. KANNENBERG: -- more to do --

16 JUDGE HAYNES: Let him respond.

17 MR. GOLDSTEIN: Judge, there's a balance owed on
18 the account. We already testified to that.
19 Obviously, part of that balance is a transferred-in
20 amount from the Ardyce address. It's actually -- as
21 we have noted in the cross-examination, all the
22 bills -- most of the bills that, except for the last

1 two, as Mr. Kannenberg pointed out, most of those
2 bills showed a transfer-in amount, so he's well
3 aware of it.

4 MR. KANNENBERG: Which, as I stated, me and
5 Mr. Thornton already agreed 13915 is the balance, so
6 I don't understand why we are concentrating more on
7 a previous account two years versus all this stuff
8 as far as late 2009, 2010.

9 JUDGE HAYNES: Well, so can we all agree then
10 there's a past due amount and that's not in dispute
11 here?

12 MR. KANNENBERG: Well, see it is, but it --

13 JUDGE HAYNES: Well, you --

14 MR. KANNENBERG: And that's the problem.

15 JUDGE HAYNES: You didn't include it in as part
16 of your complaint in this case.

17 Mr. Goldstein, go ahead.

18 MR. GOLDSTEIN: So long as he's stipulating to
19 the \$139.15 amount, I guess we can move on.

20 MR. KANNENBERG: I mean, as far as, see the
21 problem is, you know, with the last bills with the,
22 you know, reinstated bad debt. You know, there's

1 two bad debt service taxes, whatever you want to
2 call it, you know, kind of accumulating through my
3 account now is how it goes, so it's kind of like two
4 issues balled up into one to blow it way out of
5 proportion. I agree if they dropped the taxes,
6 whatever that --

7 JUDGE HAYNES: They can't drop taxes.

8 MR. KANNENBERG: Well, whatever. See, reinstated
9 bad debt service, I mean, what would that be, you
10 know, called? Would that be -- that wouldn't be
11 called taxes. That would --

12 JUDGE HAYNES: Your previous bill.

13 MR. KANNENBERG: -- be considered something else,
14 accumulation of charges, you know, from this bill or
15 from, you know, 4109 Bonhill to the other one.

16 So, basically, you know, the 13915 how
17 do you subtract it out of all these other reinstated
18 bad debt services?

19 JUDGE HAYNES: I think it's --

20 MR. KANNENBERG: Because, I mean, for example,
21 like February 18, 2010 is 11487, but then they have
22 got, you know, previous late payment of \$17.46. Now

1 if you flip to March's bill, it would go to 2827, I
2 believe it would be. So how do you figure, you
3 know?

4 JUDGE HAYNES: Okay. One minute.

5 MR. KANNENBERG: You know --

6 JUDGE HAYNES: Please. One minute.

7 (A brief pause.)

8 JUDGE HAYNES: Okay. So --

9 MR. GOLDSTEIN: Judge --

10 JUDGE HAYNES: I don't have a calculator.

11 MR. GOLDSTEIN: If it's at all helpful, Judge, as
12 is shown on all the bills up to Complainant's
13 Exhibit 9, there's \$114.87 that was transferred, and
14 that's the actual amount. The rest of it is late
15 charges and maybe taxes, and we will be glad to
16 reduce the total amount owed by that difference
17 between 139.15 and 114.87.

18 JUDGE HAYNES: Okay.

19 MR. GOLDSTEIN: And if that's at all helpful --

20 JUDGE HAYNES: Mr. Kannenberg, can we move on, if
21 you agree, because you have not included your old
22 debt as part of your complaint. Can you agree here

1 today that for your old apartment that you owe
2 114.87?

3 MR. KANNENBERG: 114.87.

4 JUDGE HAYNES: Now they're whispering something
5 over here. What is the total?

6 MR. GOLDSTEIN: Plus the tax.

7 MR. KANNENBERG: Plus the tax or minus the tax?

8 JUDGE HAYNES: Hold on. Let's get a final number
9 for him.

10 MR. GOLDSTEIN: Judge, if you look at ComEd
11 Exhibit 6(e), I think for simplicity sake, if you
12 take that amount due, which is I guess the final
13 bill --

14 JUDGE HAYNES: Final bill from the old account.

15 MR. GOLDSTEIN: From the old address on Ardyce --

16 JUDGE HAYNES: Uh-huh.

17 MR. GOLDSTEIN: -- that's 118.14. We will be
18 glad to stipulate to that amount.

19 JUDGE HAYNES: Okay. Mr. Kannenberg, do you
20 agree on the record here that the amount you owe for
21 your previous account on Ardyce is 118.14?

22 MR. KANNENBERG: I'll agree to that, but I would

1 like to find out how the other, you know, the late
2 payment, or fees, or whatever need to be subtracted
3 from --

4 JUDGE HAYNES: I think --

5 MR. KANNENBERG: -- my current billing, and
6 that's what's kind of making it so hard on me is --
7 it's okay. Yes, it's easy to agree on a number, but
8 then how do you back it off the other bills or just
9 save the final bill as far as that goes?

10 JUDGE HAYNES: Mr. Goldstein, the final number
11 that we have of 959 does that include late fees on
12 the 118 from the old account?

13 MR. GOLDSTEIN: I believe it does.

14 JUDGE HAYNES: Does the company agree that those
15 would be waived?

16 MR. GOLDSTEIN: We can waive those, too.

17 JUDGE HAYNES: So we don't actually know what
18 those are today, right?

19 MR. KANNENBERG: That's what's hard --

20 JUDGE HAYNES: That's -- hold on.

21 MR. KANNENBERG: -- is it all snowballed.

22 What I'd like to see if they agree on

1 it is cut the bill in half and just be done with it.

2 JUDGE HAYNES: Hold on.

3 MR. GOLDSTEIN: If we look at ComEd Exhibit 3,
4 Judge, it shows that the late payment charges total
5 \$17.46 if that's any help.

6 JUDGE HAYNES: Yes, but as you go through like
7 the July 2010 have more late fees being added to
8 that 118, but --

9 MR. KANNENBERG: Yes, they have, because if you
10 look at --

11 JUDGE HAYNES: But --

12 MR. KANNENBERG: -- just say the last bill that
13 we agreed upon that the 114.87 was on --

14 MR. GOLDSTEIN: Judge, I guess the easiest way to
15 do that is for us to be given leave to file a
16 late-filed exhibit, which we'll deduct out of those
17 late fees.

18 JUDGE HAYNES: Having to do with the old account?

19 MR. GOLDSTEIN: That's correct. And we will give
20 you a final balance figure and provide it obviously
21 to Mr. Kannenberg.

22 JUDGE HAYNES: Okay. Mr. Kannenberg, so will you

1 agree to the 11814 and they are going to file an
2 exhibit that would give a final balance removing the
3 late charges from that old account?

4 MR. KANNENBERG: Yes.

5 JUDGE HAYNES: Okay.

6 MR. KANNENBERG: If I could have like two -- I
7 know it's not -- if you want to consider breaking
8 the rules or whatever, but two bills, one for the
9 old place and one for the new place, I mean, that
10 would kind of break it down a little bit easier for
11 me.

12 JUDGE HAYNES: Well --

13 MR. KANNENBERG: Because like when I get the
14 bill, I mean, it might have reinstate bad debt
15 service, you know, or late payment for this account
16 or whatever and throw me off again. I know it's
17 something that I guess has never happened or
18 whatever, but, you know, two separate issues, you
19 know, are at hand basically here.

20 JUDGE HAYNES: So the late-filed exhibit that you
21 are proposing to file, Mr. Goldstein, would it look
22 like these activity statements?

1 MR. GOLDSTEIN: It would not look like the
2 activity sheet. It would look more like a spread
3 sheet which would show that accounts and showing
4 deducts out for the late payment charges.

5 JUDGE HAYNES: For each monthly payment --

6 MR. GOLDSTEIN: Correct.

7 JUDGE HAYNES: -- that was on that?

8 MR. GOLDSTEIN: Correct.

9 JUDGE HAYNES: I think that's based on this
10 discussion. We don't need to go through your
11 Exhibit 6 --

12 MR. GOLDSTEIN: And 7.

13 JUDGE HAYNES: -- and 7. Okay.

14 MR. KANNENBERG: That would be what? 6(e)?

15 JUDGE HAYNES: All the company's 6s, which are at
16 least on my copy were together and then 7.

17 So could we call --

18 MR. GOLDSTEIN: I think for simplicity sake, just
19 to keep something in the record, 6(e) shows that
20 118.14 should be --

21 JUDGE HAYNES: So it's 6(e) --

22 MR. GOLDSTEIN: Oh, (a) through (d) would be

1 eliminated as would Exhibit 7.

2 JUDGE HAYNES: Let's call it Exhibit 7, then it's
3 going to be late filed. Exhibit 7's reflecting the
4 agreement of the parties and removal of the late
5 charges. So Exhibit 6(e) is the July 7, 2008 bill.

6 MR. KANNENBERG: Is there a 6(a)?

7 JUDGE HAYNES: Well, the only thing that we are
8 going to put into the record is 6(e). The rest of
9 it, (a) through (d), I believe we don't need.

10 MR. KANNENBERG: I don't believe I have (a), but
11 I would just like --

12 JUDGE HAYNES: You don't need (a). You just need
13 (e).

14 MR. KANNENBERG: -- to keep it for my records.

15 JUDGE HAYNES: If you have (e) --

16 MR. KANNENBERG: I have (e). Yes, I have. So,
17 Mr. Goldstein --

18 MR. GOLDSTEIN: Yes.

19 MR. KANNENBERG: -- can we continue?

20 MR. GOLDSTEIN: Yes, I'm ready to continue.

21 JUDGE HAYNES: Great. Go ahead.

22 MR. GOLDSTEIN: Q. Now let's now go to ComEd

1 Exhibit 8, Mr. Thornton.

2 A. Yes. Okay.

3 Q. Do you have that in front of you?

4 A. Yes.

5 Q. This is a meter reading history for a meter
6 that was with the last three numbers 623. Do you
7 see that?

8 A. Yes.

9 Q. Could you talk about what is shown on this
10 exhibit?

11 A. Okay. I'm showing the service activation
12 date of November 2, 2009, and I'm indicating or
13 showing on here that there are two estimated -- two
14 estimated readings, and also I'm showing that new
15 meter that was put in on December 8, 2009.

16 Q. And now turn to --

17 JUDGE HAYNES: What's the date for the estimates?

18 THE WITNESS: The estimates -- there's an
19 estimate that was done on December 16, 2009 and then
20 the bill was estimated again on April 16, 2010.

21 JUDGE HAYNES: Okay.

22 MR. GOLDSTEIN: Q. Let's look at ComEd Exhibit

1 No. 9.

2 A. That's regarding the old address.

3 Q. I'm sorry. That should be eliminated, too.

4 Is there anything else you would like
5 to point out with respect to ComEd Exhibit No. 8?

6 A. Okay. The bills from December 2, 2009
7 through November 16, 2009 were cancelled and they
8 were rebilled here.

9 JUDGE HAYNES: Where are you on this Exhibit 8?

10 THE WITNESS: On Exhibit 8 down towards the
11 service activation date one up it's showing a
12 cancellation from November 2, 2009 through November
13 16, 2009.

14 JUDGE HAYNES: So the two -- the first column --

15 THE WITNESS: Right.

16 JUDGE HAYNES: -- there's three things that are
17 dated November 2nd.

18 THE WITNESS: Both of those were cancelled.
19 There's one that was cancelled for the usage of
20 1553, and then another one cancelled for the usage
21 1023, and then it was billed for the usage 679.

22 MR. KANNENBERG: Which dates were they billed

1 for?

2 JUDGE HAYNES: What period is that usage for?

3 THE WITNESS: November. It was billed for
4 November 2, 2009 through November 16, 2009.

5 JUDGE HAYNES: Okay.

6 MR. KANNENBERG: In the same respect --

7 MR. GOLDSTEIN: We have got to go to -- we have
8 got to go to 9 and 10.

9 MR. GOLDSTEIN: Q. Mr. Thornton, Mr. Kannenberg
10 raised issues with respect to ComEd bills dated
11 April 19, 2010 and May 18, 2010. Those were
12 Complainant's Exhibits 9 and 10 and the fact that
13 \$114.87 number was -- not that transferred amount
14 was not shown on those bills. Could you explain why
15 that amount was not shown on those two bills?

16 A. There was a format change in the billing and
17 that would be the reason why it wasn't shown on
18 these two bills.

19 Q. And what exactly is shown starting with
20 Complainant's Exhibit 9, the second page? What is
21 shown on the bill?

22 A. There's a current late fee charge of \$18.30

1 and there's a previous late fee -- there's a
2 previous late payment charge of \$44.15.

3 Q. And what about ComEd Exhibit -- I'm sorry --
4 Complainant's Exhibit 10?

5 A. On Page 2 of 2, there is a line item that
6 says "charges from previous bill \$886.38," and
7 there's another line item that says "previous late
8 payment charge of \$44.99."

9 JUDGE HAYNES: So is the 114.87 is that all the
10 other bills? Where is that reflected on those
11 bills? Is that part of that 88 on Exhibit 10? Is
12 that part of 88638? Is the 11487 that was carried
13 over from the other account that's on every other
14 bill excess? This has two. Is that part of the
15 886.38 on Exhibit 10? Did it go -- where is it
16 reflected on those last two bills?

17 THE WITNESS: It's included in the previous -- in
18 the charges from the previous bill.

19 MR. GOLDSTEIN: Q. And that's on Page 1 of
20 Complainant's Exhibit 9?

21 A. Yes, a part of that \$1094.45.

22 JUDGE HAYNES: Okay. So rather it's just not

1 enumerated any more?

2 THE WITNESS: Correct.

3 JUDGE HAYNES: Thank you.

4 MR. GOLDSTEIN: Q. And the reason it's not
5 enumerated is why again?

6 A. Because of there's a format change in the
7 billing.

8 JUDGE HAYNES: To make it easier for customers to
9 read it. Okay. Go ahead.

10 MR. GOLDSTEIN: I have nothing else of the
11 witness. I would move into evidence ComEd Exhibits
12 1 through 5, 6(e), and 8.

13 JUDGE HAYNES: And 7 will be late filed?

14 MR. GOLDSTEIN: And 7 will be late filed. I'll
15 ask that it be late filed also on receipt.

16 JUDGE HAYNES: You have handed me 9, 10, and 11.
17 Those are different.

18 MR. GOLDSTEIN: Nine relates back to the Ardyce
19 account, and 10 and 11 is another witness.

20 JUDGE HAYNES: Okay. Mr. Kannenberg, do you have
21 any objection to admitting Respondent's Exhibits 1,
22 2, 3, 4, 5, 6(e) which is the final bill, and

1 Exhibit 7 is going to be late filed and it's going
2 to show the agreement on what's on your old account
3 and the waiving of the late charges and then 8 is
4 the meter history.

5 Do you have any objection -- do you
6 have any objection to admitting those exhibits into
7 the record?

8 MR. KANNENBERG: No.

9 (Whereupon, ComEd Exhibit
10 Nos. 1, 2, 3, 4, 5, 6(e),
11 7 (late filed) & 8 were
12 received in evidence.)

13 JUDGE HAYNES: Okay. Did you have any questions
14 for this witness?

15 MR. KANNENBERG: Yes. Like I had asked questions
16 in the beginning is what is a kilowatt? How is it
17 billed? Now as far as the bills, you know, there's
18 500 kilowatts and the other amount, which was
19 higher, but a lower dollar amount, you know, the
20 last two as far as, you know, everything else is
21 broken down as far as what exactly it is. Changing
22 a format is inexcusable to -- pardon me -- to hide a

1 cost that was, you know, a prior account or, you
2 know, whatever. Every other bill is broken down
3 pretty much the same way, is it, and, you know, the
4 last bill. Where are the, you know, late changes
5 from the prior account? Both lines items have
6 current late charges, current late charge, previous
7 late charge.

8 JUDGE HAYNES: Okay. Okay. You have got like 12
9 questions. One at a time.

10 MR. KANNENBERG: Basically, the first one is what
11 is a kilowatt? How is it billed?

12 JUDGE HAYNES: Let's take a --

13 MR. KANNENBERG: Dollar amount --

14 JUDGE HAYNES: Let's --

15 MR. KANNENBERG: -- is what I'm looking for.

16 JUDGE HAYNES: Have you a question on a specific
17 bill, kilowatt-hour?

18 MR. KANNENBERG: Not on a specific bill, but a
19 kilowatt in general dollar amount. What does it
20 cost? A gallon milk cost 3.76. A gallon of gas
21 cost 5 bucks or something. A pack of cigarettes
22 cost this. How much does a kilowatt cost?

1 Everything is --

2 JUDGE HAYNES: Let's take a specific bill then
3 where -- so Mr. Thornton can show on the bill -- can
4 explain on the bill. Let's take Complainant's
5 Exhibit 2, the November 16th bill.

6 MR. GOLDSTEIN: That's the easiest. Thank you.

7 EXAMINATION

8 BY

9 JUDGE HAYNES:

10 Q. Mr. Thornton, maybe you could explain where
11 the kilowatt-hours -- how many kilowatt-hours used
12 he's billed for, and what the charges are, and how
13 much they are per kilowatt-hour on that bill.

14 A. Here it's showing that his usage was 1,553
15 kilowatts, and then that would be times the .02023.
16 That's how that was determined.

17 Q. Okay. And so 1,553 how does the company
18 arrive at that number?

19 A. That is -- they arrive at it from looking at
20 the usage, and what they would do is look at the
21 previous month minus the present month, so that's
22 how they would determine the usage.

1 Q. So is that the previous -- presently it's
2 83,666, and then they subtract the previous read of
3 82,113 to get at the 1553; is that correct?

4 A. Right.

5 Q. Okay. And then each charge that 1553 is
6 multiplied by the kilowatt-hour charge for that
7 particular part of the bill?

8 A. (Witness shook his head.)

9 MR. GOLDSTEIN: You can't shake your head. You
10 have to answer.

11 THE WITNESS: Yes.

12 JUDGE HAYNES: Thank you.

13 CROSS EXAMINATION

14 BY

15 MR. KANNENBERG:

16 Q. Well, my question is, okay, that bill, but
17 how do they go from point 023 kilowatts from
18 November 16 to May 18 the total kilowatt-hours is
19 6 cents --

20 JUDGE HAYNES: Wait. Wait. Hold on.

21 MR. KANNENBERG: Q. -- or point zero?

22 JUDGE HAYNES: So you are comparing the May 19

1 bill?

2 MR. KANNENBERG: Yes. Basically they seem to
3 be -- seems like ever since then, again, that they
4 switched to their new billing format or whatever the
5 price jumped up.

6 JUDGE HAYNES: Okay. So can you explain -- maybe
7 the charges have been consolidated on the new bill.

8 I think, Mr. Kannenberg, let me try to
9 rephrase that and tell me if I'm asking the right
10 question. So on the November bill there's lots of
11 individual charges.

12 THE WITNESS: There's a -- I think -- I don't
13 want to ask what his question is. Can you ask your
14 question again so I can understand what you are
15 asking?

16 MR. KANNENBERG: Q. Okay. On the November 16th
17 bill, just say for the record it's two cents a
18 kilowatt.

19 A. What exhibit is that?

20 JUDGE HAYNES: Exhibit 2.

21 MR. KANNENBERG: Yes.

22 JUDGE HAYNES: Plaintiff's Exhibit 2.

1 MR. KANNENBERG: I didn't mark mine. Now go to
2 the --

3 JUDGE HAYNES: Complainant's Exhibit 10.

4 MR. KANNENBERG: Yes, which is the May 18, 2010
5 bill. You go from -- just say, for the record, it's
6 two cents to six cents.

7 JUDGE HAYNES: For the electricity supply charge?

8 MR. KANNENBERG: Yes.

9 MR. KANNENBERG: Q. Now is it six cents or what
10 is all the .0480, you know?

11 A. Those are the rates that we can charge based
12 on the Illinois Commerce Commission. Now there's a
13 supply charge and then there's a distribution charge
14 and those would be different.

15 Q. So, in other words, where there is any
16 paperwork that shows that, you know, from November
17 to May or April that there was a rate increase from
18 the Commerce Commission, I would like those sheets
19 showing that the Commerce Commission, if you guys
20 said we will allow you to charge it. I like sheets
21 from you guys proving that they approved the, you
22 know, price jump.

1 A. The rates are different in the summer months
2 versus the winter months.

3 Q. So, in other words, it's higher in the
4 summer than in the winter?

5 A. Well, based on the calculation. If the
6 calculations are different and it's showing that it
7 is, then that would be correct.

8 JUDGE HAYNES: So in November the electricity
9 supply charge was .06435, and then on May the
10 electric supply charge was .06480.

11 MR. GOLDSTEIN: Essentially the same, Judge.

12 JUDGE HAYNES: So, Mr. Kannenberg, do you have
13 any further questions?

14 MR. KANNENBERG: Q. The other question I had,
15 which was the -- when he had stated that the -- I
16 believe it was 10646 that was the adjusted from
17 11-2 to 11-16. Now this is on the February 26th
18 letter.

19 According to the bill, which had been
20 signed by Monica Merino, it was an estimated amount,
21 or \$72.17 was an estimated amount based on 10-15 to
22 11-16, and he just stated that it was from 11-2 to

1 11-16. So, you know, how did they figure that?

2 JUDGE HAYNES: Mr. Goldstein, you are going to be
3 calling Ms. Merino as a witness?

4 MR. GOLDSTEIN: No.

5 JUDGE HAYNES: Mr. Thornton, so can you
6 explain --

7 THE WITNESS: I'm sorry. What's your question?

8 MR. KANNENBERG: Q. You just stated that the
9 bill -- the adjusted amount 7217 was billed from
10 11-2 to 11-16. While this letter states else-wise,
11 this letter stated that it was based on 10-15 of
12 2009 and the 11-16.

13 So my question is I'm still being
14 billed for the month -- 15 days into the month or 16
15 days into the month that I wasn't even there. In
16 other words, you billed me from 10-15-09 to
17 11-16-09. Well, my lease did not start till 11 of
18 '09. So where do you get from 10-15-09 to just say
19 11 -- you know, 11-1? I guess electric was starting
20 11-16.

21 JUDGE HAYNES: Mr. Thornton, how did the company
22 calculate the re-bill, I think is what the question

1 is? When it was cancelled on November -- when it
2 was lowered to 679, how did the company arrive at
3 that number?

4 THE WITNESS: I don't know. I would have to see
5 how they adjusted the bill to be able to determine
6 that, and right now I don't feel as though I have
7 enough information to determine that.

8 JUDGE HAYNES: Okay.

9 THE WITNESS: Hold on.

10 JUDGE HAYNES: Sure.

11 THE WITNESS: Okay. It's in the letter.

12 MR. GOLDSTEIN: He hasn't looked at the letter
13 closely enough, Judge.

14 JUDGE HAYNES: Maybe it will refresh his memory
15 if he needs it.

16 THE WITNESS: Okay. They used the average daily
17 kilowatts. Our company record reads 48.53 average
18 daily kilowatts. That's how they came to determine
19 what the -- how they would adjust the bill.

20 MR. KANNENBERG: Q. That's fine if you want to
21 adjust it, but you adjusted it from 10-15 of '09 to
22 11-16. If you want to adjust it from 11-1 to 11-16,

1 I wouldn't have had a problem with that, but the
2 problem is you billed me from 10-15.

3 JUDGE HAYNES: Let him finish explaining how
4 that -- how did the company use that 4853 to adjust
5 the bill?

6 THE WITNESS: Well, they indicate in the letter
7 here on 2-3 ComEd cancelled adjusted bill issued
8 November 2nd to November 16th from 1023 kWh,
9 kilowatts an hour, from \$106.46 to 679
10 kilowatt-hours to \$72.17 based on 10-15-2009 and
11 11-16-2009 regular reads. So they looked at those
12 two regular reads and they determined that based on
13 those regular reads, there was 48.53 average daily
14 kilowatts. The 72 -- the 7217 is the new adjusted
15 amount.

16 JUDGE HAYNES: So is that --

17 THE WITNESS: So they looked --

18 JUDGE HAYNES: -- because it's less days, so it's
19 only for the 4853 for the number of days so that 14
20 days in-between November 2nd to November 16 at 4853
21 kilowatt-hours per day? Maybe I didn't say that
22 quite clearly.

1 THE WITNESS: Okay. So in looking at Exhibit 1,
2 the bill was cancelled from November 2nd through
3 November 16th for 15923, and then we came back in
4 and the customer was billed for electric service
5 on -- it will show on the activity statement of
6 12-17-2009 from November 16, 2009 to 12-16-2009 for
7 17454. Maybe I'm not understanding the question.

8 MR. GOLDSTEIN: Maybe I -- could I interject a
9 question --

10 JUDGE HAYNES: Sure.

11 MR. GOLDSTEIN: -- Judge, maybe that would help.

12 JUDGE HAYNES: Please do.

13 REDIRECT EXAMINATION

14 BY

15 MR. GOLDSTEIN:

16 Q. For the period of October 15 through
17 November 1st -- do you have that period in mind?

18 A. Uh-huh.

19 Q. -- was Mr. Kannenberg billed for electric
20 service?

21 A. Not at 4109 Bonhill. I don't see it on
22 here.

1 Q. And he was billed for electric service
2 between -- am I correct that he was billed for
3 electric service between November 2, 2009 and
4 November 16, 2009?

5 A. Yes.

6 MR. GOLDSTEIN: I hope that cleared it up, Judge.

7 JUDGE HAYNES: Thank you.

8 Did you have any further questions,
9 Mr. Kannenberg?

10 RECROSS EXAMINATION

11 BY

12 MR. KANNENBERG:

13 Q. Just kind of a question, and, you know, this
14 goes back to the November 16th bill from 11-2 to
15 11-16, 14 days that's, you know, minus all the, you
16 know, previous bills, all stuff from the other
17 address, all that, \$159.23, and in electric for 14
18 days now if you double it, that would be, you know,
19 almost over \$300 for electric for a 30-day period
20 approximately.

21 JUDGE HAYNES: But that was cancelled.

22 MR. KANNENBERG: Well, I would like to know how I

1 was billed from October to November to begin with.

2 I understand mistakes happen, but still --

3 JUDGE HAYNES: And they credited you, so --

4 MR. KANNENBERG: And, you know, on the December

5 17th bill it doesn't show any credits or anything

6 like that. It actually goes from 15923 to 174;

7 whereas, the adjusted amount or anything according

8 to the bills --

9 JUDGE HAYNES: Okay. So when did -- when was the
10 credit, Mr. Thornton, applied to his account?

11 THE WITNESS: The credit was applied to the
12 account on November 16th.

13 JUDGE HAYNES: And that would show up on his
14 billing statement?

15 MR. KANNENBERG: It was applied on November 16th?
16 November 16 is when I was billed. So December --

17 JUDGE HAYNES: Hold on.

18 MR. KANNENBERG: -- was after November.

19 JUDGE HAYNES: Let's see if he can find it.

20 THE WITNESS: Okay. The credit was applied to
21 the account on -- the 15923 was applied to the

22 account on December 10, 2009 for 15923. That's when

1 the credit was applied.

2 MR. KANNENBERG: Q. Okay. If it was applied on
3 December 10, the next bill came out December 17th.
4 Where does it show on my December 17th bill that it
5 was adjusted? I see no adjustments, other than a
6 10646, which that was a positive towards ComEd. You
7 could add all these number up, the 1746, the 11487,
8 the 676, the 10646, and get a total amount due of
9 24555, so, therefore, I did not receive a credit of
10 even 10646 on it, and it says "billing adjustment,"
11 it should have a negative like even environmental
12 cost recovery for a negative 17 cents that was taken
13 off the bill. The 10646 adds into my bill. So how
14 do you figure it is a credit on the bill?

15 Basically where are all my credits
16 showing up on my bills? They're not. If you said,
17 you know -- going back to the original, if it was
18 applied on December 10th, well, December 17 is seven
19 days away. This bill was printed on the 17th.

20 JUDGE HAYNES: Ask the question.

21 MR. KANNENBERG: Q. Where does it show an
22 adjustment?

1 JUDGE HAYNES: Does he have an answer?

2 THE WITNESS: What exhibit is that that you are
3 looking at? Because on the activity statement it
4 does clearly show that the credit was applied to the
5 account.

6 JUDGE HAYNES: And what about Mr. Kannenberg's
7 bills?

8 THE WITNESS: What exhibit is he looking at?

9 JUDGE HAYNES: Well, he's looking at
10 Complainant's Exhibit 3.

11 MR. KANNENBERG: Which I remember that phone call
12 when I called you on, too, in regard to that.

13 JUDGE HAYNES: Let him answer the question.

14 THE WITNESS: Okay. The actual credit itself is
15 not reflecting on the bill. But, as you can see
16 when you look at the time periods for that time from
17 November 2nd through November 16th, that's not on
18 this bill. The amount that we billed him for for
19 that period for November 16 through 12-16 was for
20 174.54.

21 JUDGE HAYNES: And so where on this bill does
22 it -- is the charges for November 2nd to November

1 16?

2 MR. KANNENBERG: The way it seems --

3 JUDGE HAYNES: Hold on. Let him answer.

4 THE WITNESS: They are not reflected on this
5 bill. I mean, I don't see them on here.

6 JUDGE HAYNES: Let's go off. I have to take a
7 break, so let's take a 5-minute break, and I'll be
8 back.

9 (Whereupon, a 5-minute
10 break was taken.)

11 Okay. I believe there was a question
12 pending for the witness.

13 THE WITNESS: On the activity statement on
14 Exhibit 1 there was a --

15 JUDGE HAYNES: Complainant's Exhibit 1 or
16 Respondent's Exhibit 1?

17 MR. KANNENBERG: We will just go by ComEd's
18 exhibit.

19 MR. GOLDSTEIN: Complainant's Exhibit 1.

20 JUDGE HAYNES: ComEd Exhibit 1.

21 THE WITNESS: It's showing from November 2nd to
22 November 16th there was a charge of 15923, and then

1 on December 10, 2009 I'm indicating that there was a
2 credit of 15923, then on the activity statement it's
3 showing an adjustment of 10646 that came in on the
4 account. That's reflected on the customer's bill
5 for 10646.

6 JUDGE HAYNES: And at 10646 is suppose to be for
7 what time period?

8 THE WITNESS: That is for the time period of
9 November 2, 2009 through November 16, 2009.

10 JUDGE HAYNES: Okay. Okay. So that's the
11 reflection on the bill?

12 THE WITNESS: Yes.

13 MR. KANNENBERG: Q. Okay. That was -- it says
14 "billing adjustment." Now the wording, as I
15 questioned Mr. Thornton when we had the
16 conversation, billing adjustment means, you know, a
17 negative. You take something away. In other words,
18 ComEd is taking 10646 off of my bill. Now that
19 charge 10646, according to their document, Exhibit
20 1, was billed on 12-2010 as a positive towards
21 ComEd, in other words, a debit from me.

22 JUDGE HAYNES: Yes. He just explained that

1 that's the new bill.

2 MR. KANNENBERG: Q. Now it took -- on February
3 3rd a disconnect error of 10646, so, in other words,
4 it took --

5 JUDGE HAYNES: Okay. So --

6 MR. KANNENBERG: Q. -- two months to take out a
7 credit that was suppose to be due to me?

8 EXAMINATION

9 BY

10 JUDGE HAYNES:

11 Q. So, Mr. Thornton, can you explain what
12 happened then on February 3rd with the 10646?

13 A. The 10646 was then credited on the account
14 on February 3rd --

15 Q. Okay.

16 A. -- along with -- that's when it shows a
17 credit on that for 10646 on February 3rd.

18 Q. Okay. And right below that on February 3rd
19 what's that next line then?

20 A. That's on February 3rd below that?

21 Q. Uh-huh.

22 A. On the activity statement it's showing a

1 billing adjustment for \$72.17.

2 Q. So is that the 72.17 that's mentioned on
3 Complainant's Exhibit 1, the February 26th letter?

4 A. Yes.

5 MR. GOLDSTEIN: I'm sorry. I took the letter
6 away.

7 JUDGE HAYNES: Q. Okay. So your final -- the
8 company's final position on what he owes for the
9 period from November 2nd until November 16, is that
10 the 72.17?

11 A. Yes.

12 JUDGE HAYNES: Okay. Mr. Kannenberg, any further
13 questions?

14 MR. KANNENBERG: No.

15 JUDGE HAYNES: Okay. Did you have any redirect
16 for the witness?

17 MR. GOLDSTEIN: I have just one or two questions,
18 Judge.

19 JUDGE HAYNES: Okay.

20

21

22

1 REDIRECT EXAMINATION

2 BY

3 MR. GOLDSTEIN:

4 Q. Just so we are clear for the record,
5 Mr. Thornton, Mr. Kannenberg was not billed for
6 electric -- am I correct that Mr. Kannenberg was not
7 billed for electric service prior to November 2,
8 2009?

9 A. You are correct.

10 Q. Okay. And all the adjustments that are
11 shown on ComEd Exhibit 1, as well as Exhibit 6, are
12 reflected, and there is a current balance that's
13 shown there which is subject to a late-filed
14 exhibit, am I correct?

15 A. Yes, sir.

16 MR. GOLDSTEIN: I have nothing else.

17 JUDGE HAYNES: Okay. Thank you, Mr. Thornton.

18 MR. KANNENBERG: I have one question.

19 RECROSS EXAMINATION

20 BY

21 MR. KANNENBERG:

22 Q. If I was not billed up until November 2nd,

1 then what was the 15923 adjusted for?

2 JUDGE HAYNES: Perhaps Mr. Goldstein meant not
3 the company is not currently charging him for that
4 period, although he might at one point gotten a bill
5 for it.

6 MR. GOLDSTEIN: Billed or charged. There was
7 no --

8 JUDGE HAYNES: Can you --

9 THE WITNESS: The question is for me?

10 JUDGE HAYNES: Yes.

11 THE WITNESS: The amount has been credited off,
12 so, as a result, you weren't charged, so --

13 MR. KANNENBERG: Q. So, for the record, though
14 for October through November, I was charged, but it
15 was credited; is that correct?

16 A. That's correct, the account was credited.

17 JUDGE HAYNES: Thank you, Mr. Thornton.

18 Mr. Goldstein, did you have another
19 witness?

20 MR. GOLDSTEIN: I have one more witness, Judge.
21 I call Michael League.

22 JUDGE HAYNES: Please raise your right hand.

1 (Witness sworn.)

2 MICHAEL LEAGUE,

3 called as a witness herein, having been first duly

4 sworn, was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY

7 MR. GOLDSTEIN:

8 Q. Mr. League, state your name for the record,
9 spell your last name, and tell us by whom you are
10 employed, and in what capacity?

11 A. My name is Michael League, last name
12 L-e-a-g-u-e. I work for ComEd as an energy tech
13 physical in Mount Prospect.

14 Q. And how long have you been employed by
15 ComEd?

16 A. Twenty-five years.

17 Q. And please describe your duties as an energy
18 tech physical?

19 A. I go out in the field and exchange meters,
20 test meters, check for foreign load. I check for
21 mixed meters, repair damaged meters.

22 Q. And how did you become familiar with the

1 meters that recorded electric usage on

2 Mr. Kannenberg's Arlington Heights account?

3 A. I received an order on my computer on May
4 5th and went out to do an order. I was to do an
5 accuracy test, electronic accuracy test and check
6 for foreign load, mix meter, verified meter to the
7 address.

8 Q. And did you go out on May 5th in 2010 and do
9 so?

10 A. Yes.

11 Q. And did you meet Mr. Kannenberg on that
12 date?

13 A. I did.

14 Q. And did you test a meter number that ends in
15 numbers 623?

16 A. Yes, I did.

17 Q. What was the result of your meter test?

18 A. It fell within the Commerce Commission
19 results right at 100 percent.

20 Q. Did you check for foreign load?

21 A. Yes.

22 Q. Was there any foreign load found?

1 A. No.

2 Q. Did you check for mixed meter condition?

3 A. Yes.

4 Q. And did you find any mixed meter condition?

5 A. No.

6 JUDGE HAYNES: What is a mixed meter condition?

7 THE WITNESS: If you get multiple meters on a
8 bank, it's possible when they bill the place or
9 someone messes with the panel that they'll take a
10 meter from one and a meter from another and they
11 will flip them around, so you will be getting --
12 you'll be paying your neighbor's bill and he'll be
13 paying for yours.

14 MR. GOLDSTEIN: Q. And did you verify the meter
15 number ending in 623 to the address of
16 Mr. Kannenberg?

17 A. Yes.

18 Q. And could you describe how you went about
19 testing the meter and making a foreign load test?

20 A. The accuracy test there's a large sleeve
21 that goes into the socket. You remove the meter,
22 put the sleeve in the socket, and the meter on the

1 tester and then there's electronic keyboard that
2 gets hooked into the tester. You run the test at a
3 high speed and then at a low speed, and the test
4 gives you the accuracy reading from the highs and
5 the lows, and then when you test for foreign load,
6 typically you either shut down the main, which is
7 nearby, but in this case it was not accessible.

8 I asked Mr. Kannenberg to go up to his
9 unit and shut down all his breakers, and you will
10 see if the disk on the meter spins. He went
11 upstairs, shut down all the breakers, and disks on
12 the meter slowed all the way down, and then it came
13 to a stop.

14 Q. And that showed what when it came to a stop?

15 A. That would show that there was -- at that
16 time there was no foreign load on his meter. There
17 would be no other electricity.

18 Q. Let me show you what's been marked as
19 Complainant's Exhibit No. 10. Are the results of
20 your tests shown on this field meter test?

21 A. Yes.

22 Q. And the comments that are shown those are

1 your comments that you made on that day?

2 A. Yes, those are comments I entered into the
3 computer.

4 Q. Let me show you what has been marked as
5 Group Exhibit No. 11, which consist of three pages.
6 Could you -- first of all, with respect to ComEd
7 Exhibit 10, let's go back there for a moment. This
8 meter test results that's part of the company's
9 books and records, is it not?

10 A. Yes.

11 Q. And it's kept in the ordinary course of
12 ComEd's business as a public utility?

13 A. Yes, it is.

14 Q. And the same would hold true for ComEd
15 Exhibit 11, would it not?

16 A. Yes.

17 Q. It's taken from the books and records?

18 A. Yes.

19 Q. And what is shown on ComEd Exhibit 11?

20 A. On Exhibit 11 it looks like one of my
21 colleagues, Neil Caruthers went out to
22 Mr. Kannenberg's apartment for a meter test.

1 Q. According to his notes, there was a
2 snowstorm at the time. The sleeve that they use for
3 the testing equipment is not weather tight, so it
4 could be a safety hazard to try to test the meter
5 during a snow or rain -- snowstorm or during rain,
6 so Mr. Caruther's proceeded to exchange the meter,
7 bring it into the company where we have a test board
8 and test the meter on the testing board.

9 Q. And what was the date that Mr. Caruthers
10 went out to Mr. Kannenberg's apartment and when did
11 he test that meter?

12 A. The date was December 8th. Looks like he
13 was on-site about 1 o'clock in the afternoon and he
14 tested that meter the same day.

15 Q. And did Mr. Caruthers exchange the meter on
16 that date?

17 A. Yes, he did.

18 Q. And the meter was tested for accuracy, was
19 it not?

20 A. Yes, it was.

21 Q. And did it meet ComEd's -- did it meet the
22 Commission's standards with respect to meter

1 accuracy?

2 A. Yes, it did.

3 Q. And where's that shown on the exhibit?

4 A. That would be on C -- 11(c) where it says
5 the "as found," the "as left." Those are your
6 average accuracy readings. We perform two tests
7 every time we do it.

8 Q. And those were the kinds of the tests that
9 you performed --

10 A. Yes.

11 Q. -- when you went out and made the field test
12 back on May 5th of this year, correct?

13 A. Yes, same test.

14 JUDGE HAYNES: Where does it show the results of
15 these?

16 THE WITNESS: On (c), you see the box that says
17 "as found" and then below it says "as left," the two
18 boxes in the middle of the page.

19 JUDGE HAYNES: So two big boxes are with lots of
20 little boxes?

21 THE WITNESS: It's the column that says
22 "percentage accuracy," those would be the two

1 results, because we did two tests, the two highs and
2 two lows and then an average would be an average of
3 the two.

4 JUDGE HAYNES: Okay.

5 MR. GOLDSTEIN: Judge, I have nothing else for
6 the witness. I would move into evidence ComEd
7 Exhibits 10, 11(a) -- 11 (a) through 11 (c).

8 JUDGE HAYNES: Do you have any objection to
9 admitting those exhibits into the record,
10 Mr. Kannenberg?

11 MR. KANNENBERG: No. I just have some questions.

12 (Whereupon, ComEd
13 Exhibit Nos. 10, 11,
14 11(a) thru 11(c) were
15 received in evidence.)

16 JUDGE HAYNES: Okay. Go ahead and cross-examine
17 the witness.

18 CROSS EXAMINATION

19 BY

20 MR. KANNENBERG:

21 Q. If he was out on December 8th to exchange
22 meters, according to my December 17th bill, the new

1 meter was read on 12-16 of 2010, eight days

2 later --

3 A. I don't know.

4 Q. -- or approximately, not eight days?

5 A. I don't know.

6 Q. Yes, approximately eight days.

7 A. I don't have that information. His order is
8 December 8th. He was out doing a meter test.

9 Because of the weather, he wasn't able to do the
10 meter test, and so he exchanged the meter and put
11 the new meter in and brought the old meter to test.

12 Q. So when was the new meter installed and
13 read?

14 A. The same day. It would be the same day.

15 JUDGE HAYNES: So what day is that?

16 THE WITNESS: The 8th.

17 JUDGE HAYNES: Thank you.

18 MR. KANNENBERG: Q. According to my bill, it
19 tells different.

20 A. Well, two things -- or one thing you could
21 run into when we exchange the meter, we take a
22 reading from the old meter. On the 16th would be

1 when the meter reader actually came by and read the
2 meter.

3 JUDGE HAYNES: Thank you.

4 MR. KANNENBERG: Q. On the 16th, supposedly when
5 the meter reader came by and read the meter, I have
6 an estimate. Was the meter reader out to read the
7 meter?

8 A. I couldn't tell you. I'm not in charge of
9 that.

10 MR. KANNENBERG: My question is if he's -- if the
11 meter reader supposedly read it on 12-16, according
12 to my bill, I have zero actual reading for the
13 previous 120 estimate for that. To me, the meter
14 reader was not out on the 16th when --

15 JUDGE HAYNES: The company didn't testify that
16 there was an actual read on that day. That was an
17 estimated bill.

18 MR. KANNENBERG: Well, he said when the meter
19 reader came out and read it was on the 16th. Well,
20 what meter reader?

21 JUDGE HAYNES: This witness I think is here just
22 for meter accuracy, not for what the bills say.

1 THE WITNESS: I couldn't tell you whether the
2 meter reader went there or not. I have no idea.

3 MR. KANNENBERG: Q. And for the heavy and the
4 light readings, it's only point 3 off. I mean, to
5 me, that's kind of pushing more towards a heavy read
6 all the time. That's within the limits. It seems
7 like point 3.

8 A. Where are you talking?

9 Q. When you say "average accuracy," it says
10 100.10.

11 A. That's on heavy load.

12 Q. Yes, on the heavy. And the light is 100.4.
13 That seems kind of more -- okay -- heavy -- a
14 constant heavy load will be okay for any readings it
15 seems like.

16 A. Well, the two accuracy readings they
17 don't -- you know, minus getting a point 3, there's
18 a difference. 100.1 is under a heavy load. So
19 under a heavy load the meter is accurate at 100.1
20 percent, and under a light load the meter is
21 accurate at 100.4 percent.

22

1 EXAMINATION

2 BY

3 JUDGE HAYNES:

4 Q. I guess -- so under both conditions, light
5 or heavy load, it read slightly above a hundred
6 percent?

7 A. It can.

8 Q. It might?

9 A. A point of a percentage, it's possible.
10 It's going by an electronic test.

11 Q. Do you know what is the Commission's load or
12 lowest for accuracy?

13 A. I know it's at least a full percent either
14 direction.

15 JUDGE HAYNES: Any further questions?

16 MR. KANNENBERG: No.

17 JUDGE HAYNES: Okay. Any redirect for the
18 witness?

19 MR. GOLDSTEIN: I have nothing else.

20 JUDGE HAYNES: Okay. Any further redirect for
21 the witness?

22 MR. GOLDSTEIN: I have no other witnesses.

1 JUDGE HAYNES: Okay. Do parties want to brief
2 this matter? Closing statements? Are you both
3 done?

4 MR. GOLDSTEIN: I'm done.

5 JUDGE HAYNES: You are done.

6 Mr. Kannenberg?

7 MR. KANNENBERG: I mean, I just have one question
8 in regard to like the space heat credit and all that
9 that I was never told that LIHEAP had to be involved
10 in order to get credit. Now when he had came out to
11 test the meter, he just said that there should be
12 credits on my bill.

13 THE WITNESS: No.

14 MR. KANNENBERG: Now I'm not, you know, saying
15 you should know everything.

16 THE WITNESS: If I may, I told Mr. Kannenberg
17 that I believe the company has discounts or credits.
18 If you have an all electric unit, you would have to
19 call 1-800-Edison and talk to a credit
20 representative.

21 JUDGE HAYNES: And Mr. League is the meter
22 testing guy.

1 MR. KANNENBERG: Yes, I'm not saying it's his
2 fault, because he had mentioned, yes, there was
3 credits. Now in the beginning I was never told, you
4 know, that even credits were available from what,
5 from how, from when, from who, and how to go about
6 it. I mean, that would be something that would be
7 helpful for anybody in the future, you know, dealing
8 with this or, you know, giving them a copy on the
9 bill, you know, whatever, call this number for help
10 or whatever.

11 JUDGE HAYNES: Okay.

12 MR. GOLDSTEIN: Let me suggest this, Judge. In
13 my mind this is sort of a simple case, but in my
14 Kannenbergs' mind I'm sure it's quite complicated.

15 Let me propose that ComEd file a
16 proposed order say within 28 days and Mr. Kannenberg
17 can respond to it any way he wishes and you can take
18 it from there.

19 JUDGE HAYNES: I'm not looking for a proposed
20 order on this case. If you would like to brief it,
21 you can.

22 MR. GOLDSTEIN: I guess if Mr. Kannenberg would

1 file an initial brief, I'll file a response and then
2 he can file any reply he likes.

3 JUDGE HAYNES: Would you like to brief this
4 issue? Would you like to file something after this?

5 MR. KANNENBERG: I mean, I just would like to
6 hear the offer and then, you know, I can decide
7 from there.

8 JUDGE HAYNES: How about -- is it 14 days for the
9 transcript?

10 MR. KANNENBERG: Is this an official or
11 unofficial offer --

12 JUDGE HAYNES: It's not. They're not offering.

13 MR. KANNENBERG: -- or proposal or whatever
14 they're trying to do?

15 JUDGE HAYNES: I think we can just mark the
16 record heard and taken and I'll issue an order,
17 unless you want to brief it, Mr. Goldstein.

18 MR. GOLDSTEIN: No.

19 JUDGE HAYNES: Okay. If there's nothing further,
20 I will wait for the transcript and issue a proposed
21 order, and parties have an opportunity to respond to
22 that proposed order and responses would have to be

1 filed in writing with the clerk's office, and I will
2 consider those responses, and then a final order
3 will be presented to the Commissioners for action,
4 and then that will be the final action of the
5 Commission.

6 And, Mr. Goldstein --

7 MR. GOLDSTEIN: Yes. We owe the record
8 late-filed Exhibit 7, which is that recalculation.

9 JUDGE HAYNES: Correct.

10 MR. GOLDSTEIN: We would propose to file that
11 within 14 dates.

12 JUDGE HAYNES: Within 14 days?

13 MR. GOLDSTEIN: Yes.

14 JUDGE HAYNES: Yes, please. Okay. Then this
15 matter is marked heard and taken. Thank you.

16 HEARD AND TAKEN.

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